PUBLIC POLICY AND PRIVATE CHARITIES

By Arlien Johnson

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PUBLIC POLICY AND PRIVATE CHARITIES

A STUDY OF LEGISLATION IN THE UNITED STATES AND OF ADMINISTRATION IN ILLINOIS

By

ARLIEN JOHNSON

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EDITOR'S NOTE

The relationship between public and private agencies in the field of social welfare is one of the most important subjects with which social workers are now concerned, especially since the establishment of central authorities in the states.

One aspect of this problem, to which a considerable amount of discussion has been devoted on the basis of relatively few basic data, is the system of public subsidies to private agencies—a method of sharing responsibility by leaving organization and administration to private initiative while the public bears the cost either in whole or in part.

In his great state papers as chairman of the Massachusetts Board in 1866, Dr. Samuel Gridley Howe laid down certain principles on the basis of his experience in that commonwealth. He had been associated with Horace Mann in the development of state care for the insane at Worcester, as well as of the state education authority, and he had inaugurated the work for the education of the blind and of the feeble-minded; and in both of these fields the state had made use of private help. The fifth principle that he laid down was stated in the following words: "We should avail ourselves of responsible societies and organizations which aim to reform, support or help any class of dependents, thus lessening the direct agency of the state and enlarging that of the people themselves."[1]

In the sixty-five years that have followed, there has, of course, been much discussion of the subject, with the general consensus of opinion in opposition to Dr. Howe's conclusion. However, as Dr. Johnson points out in the present study, there are few facts available in this field. It is a subject which, for example, the White House Conference of 1930 on Child Health and Protection thought should be made the subject of further investigation. After a discussion of some length, the Conference report states: "Because of the intricacy of these problems, their widespread occurrence and their

[1] *Second Annual Report of the Massachusetts Board of State Charities* (January, 1866), p. xliv.

influence on the development of future programs of Child Welfare, a further study should be made of the relationships between private child welfare organizations and the public." Dr. Johnson's study, in which she makes available the whole body of legislation on the subject and the experience in one great state over the period of its entire history, is a very important addition to the material on which sound judgment and policy may be based. It is greatly to be desired that corresponding bodies of fact may be assembled from other jurisdictions. Possibly when the White House Conference on Child Welfare of 1939 is assembled, positive views on this subject will be justified by the facts available.

Dr. Johnson's study, which is one of a series of investigations dealing with public welfare administration in the United States,[1] was conducted under the auspices of the Graduate School of Social Service Administration with the assistance of the Social Science Research Committee of the University of Chicago. The publication of the study has been made possible by the Samuel Deutsch Foundation, which makes possible the carrying-on of certain research undertakings in the field of social service.

SOPHONISBA P. BRECKINRIDGE

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[1] Studies already published in this series include Margaret K. Strong, *Public Welfare Administration in Canada;* Elizabeth Wisner, *Public Welfare Administration in Louisiana.* Others are still in preparation.

PREFACE

The growing interest in the administration of social welfare activities under public auspices is doubtless sufficient reason for a study of a little explored phase of public welfare administration, namely, public policy in respect to private charities, particularly where subsidies from the public treasury are allowed. Although such subsidies have been generally disapproved for many years, few data have been offered and no stimulating analysis has been available since Amos G. Warner's discussion of the subject in *American Charities*, first published in 1894.

The original purpose of this study was to inquire into the practice of allowing grants from tax funds to organizations whose direction and control rest with voluntary bodies. It was soon evident that the whole problem of public policy in respect to private charities is so interwoven with the subsidy system that the one subject involves a discussion of the other, and both have therefore been included in so far as an examination of the statutes of the forty-eight states would yield the information. In addition, a historical analysis of the administration of laws relating to private charities in Illinois affords illustrative material for trends discovered in the legislation of the various states and further reveals the difficulties always inherent in the subsidy system. The findings seem to suggest that certain practices are emerging which promise to relieve the public authorities of the evils of subsidies but which depend for fruition upon the further development of a science of public welfare administration. It is hoped, therefore, that other studies in the field will be stimulated by these findings.

Due to the paucity of literature on the subject, original documents, official reports and publications, and questionnaires to county officials in Illinois have been the chief sources of information. Invaluable assistance has been rendered by public officials who permitted files to be examined and who managed, in the rush of their work, to find time to answer questions and to discuss problems of

policy. The courteous treatment accorded by institution officials in Illinois should also be noted. For assistance in securing information, gratitude is expressed especially to Miss Edna Zimmerman, superintendent of the Division of Visitation of Children, Department of Public Welfare, Springfield; to Mrs. Bertha Hosford Butler, formerly secretary of the Joint Service Bureau for Children's Institutions, the Chicago Council of Social Agencies, and to Mrs. Margaret Lyman, director of the Family Supervision Department, Cook County Juvenile Court.

ARLIEN JOHNSON

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CHAPTER I

INTRODUCTION

PUBLIC POLICY IN STATE AID TO PRIVATE CHARITIES

The authority of the state over charities, both public and private, has been considerably extended since 1863, when the first state board of charities was organized in Massachusetts. An early report of that board called attention to the use of the private agency, assisted from public funds, as a substitute for the establishment of additional public institutions, and added as a corollary that efforts should be made to "methodize" the private as well as the public charities.[1] The problem today differs from that of a half-century ago in that the multiplicity of kinds of specialized care has increased and with it has grown the authority vested in the state supervisory bodies; and in that the public authorities are, first, assuming a greater share of the burden of support for all types of care for the disadvantaged and, second, setting minimum standards to be met by private charitable organizations, whether or not they are performing services in lieu of the state.

A study of public policy with respect to the regulation and support of private charities is therefore pertinent at a time when an evolutionary process is discernible. Subsidies especially are a measurable part of this process and afford opportunity to trace the forms taken and the fields of service recognized of sufficient importance to warrant aid but not entire support from public funds.

The groups for whom the state first made provision, relieving the local unit—which in accordance with English tradition had the task of caring for the poor—were the insane, the feeble-minded, the deaf and blind, the juvenile delinquent, and the felon. A few states early provided care for dependent children; but for the most part, prior

[1] *First Annual Report of the Massachusetts Board of State Charities* (January, 1865), pp. xli–xlii, conveniently cited in Sophonisba P. Breckinridge, *Public Welfare Administration, Select Documents* (Chicago: University of Chicago Press, 1927), p. 300.

to the mothers' aid movement which began about 1911, they were intrusted to private organizations, often aided financially from the public treasury. In only a few states has the care of the sick poor been directly assumed; but frequently, probably because the local unit was too small or too poor to support a hospital, grants have been made extensively to private hospitals, either by direct appropriation or by authorization of the local government.[1]

In order to determine the extent and nature of public subsidies in the United States, the laws of the forty-eight states have been examined. It was soon apparent that any discussion of subsidies must include a discussion likewise of the supervision which does—or should—follow public funds; therefore, the statutes were further examined to learn what forms public supervision of private agencies has taken. Chapters ii and ix contain the findings on these subjects. Since the administration of the law is the test of its efficiency, the relation of public authorities—state, county, and city—to private charities has been traced in detail for one state, Illinois, in chapters iii to vii.

A study of the relationship between the public authority and private organizations receiving payments from public funds presents certain difficulties. One of these is that the practice is determined by each of the forty-eight states independently, not according to a thought-out policy, but more or less under pressure of persuasion or of need for additional resources which the state has not yet provided under its own auspices. Where the state has defined its policy by constitutional enactment forbidding such payments in whole or in part, as has happened in twenty-six states,[2] it may still authorize payments from the funds of the county, city, or town, in which case the amounts so appropriated are almost impossible to determine because of the great number of units and the lack of published reports.

Emphasis should be laid at this point upon the fact that in this study the statements relating to the supervision and subsidizing of

[1] See below, pp. 48–51.

[2] Alabama, Arizona, California, Colorado, Florida, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, Virginia, and Wyoming. See below, pp. 39–41.

private charities in all of the states except Illinois are based entirely upon the legal enactments formulated in the constitution and the statutes. In this connection, also, the general background of common law procedure with respect to charitable trusts has been presented. For its interpretation and for general rules of law, *Corpus Juris*, *Ruling Case Law*, *American Law Reports*, and the supreme court decisions in various states have been consulted.

To give a satisfactory description of the administration of the law in the various states would necessitate a field study to supplement the reports, since the latter lack uniformity and completeness. Even in the same state, the quality of the reports is uneven, the period of time covered differs from state to state, and the content varies in terminology and in units for measurement. That law and practice are sometimes far apart is obvious, but the fact that an analysis of the legal enactments reveals certain trends would seem to indicate some uniformity in development.

Another difficulty is the paucity of literature in the field. The two studies that have contributed most to the thinking on this subject, perhaps, are those of Professor Amos G. Warner[1] and of the New York State Charities Aid Association,[2] one of which grew out of experience with intolerable abuse of the subsidy in Washington, D.C., and the other, in New York, and both of which were made before 1900. Later publications have reiterated the principles defined in these studies, elaborating and confirming them.

The weight of opinion, on the whole, is heavily against appropriations to private charities on the ground that subsidies become an unmitigated evil, and therefore should not be entered into or should be discontinued at the earliest possible moment.[3] If appropriations

[1] Amos G. Warner, *American Charities* (New York: Thomas Y. Crowell & Co., 1894), chap. xvii, "Public Subsidies to Private Charities."

[2] "Public Appropriations to Private Charities," *New York State Charities Aid Association, Bulletin No. 73* (1899).

[3] Warner, *op. cit.*, p. 354.

State Charities Aid Association, Bulletin No. 73, p. 20.

Frank Fetter, "The Subsidizing of Private Charities," *American Journal of Sociology*, VII (1901–2), 384.

"The Division of Work between Public and Private Charities: Subsidies," *National Conference of Charities and Corrections, 1901*, p. 131.

[Footnote continued on p. 4]

are to be made, they should, according to the authorities mentioned, be "specific payments for specific services" safeguarded by (1) inspection of the agency, (2) reporting and auditing of accounts, (3) control of admissions and discharges, (4) setting the same rate of payment for the same class of dependents, and (5) development of public institutions as rapidly as possible to care for public wards.

In addition, the report of the State Charities Aid, which was prepared for the city comptroller of New York, advised that public appropriations should be entirely discontinued for dispensaries, relief societies, and homes for the aged because the first two were activities not easily placed on a per capita basis of payment and, in the case of the aged, public provision was already made. It was also suggested that the per capita payment should be not more, and preferably less, than the cost of maintenance in a public institution, and that it should decrease as the number of inmates in an institution increased. In conclusion, the report stated what others have repeated, that public subsidies have inherent dangers which not even the per capita plan can obviate; that they discourage private charity, prevent the proper equipment and maintenance of public institutions; and that the permanent disadvantages far outweigh any immediate and temporary benefits.[1]

In view of the general opinion on the evils of subsidies, in either lump sum or per capita form, it is perhaps surprising to find that in 1929 the legislatures in twenty-four states[2] made appropriations totaling more than seven million dollars to private charitable organizations. In seventeen of these states, at least part of the appropria-

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George S. Wilson, "Supervision of Private Charities," *National Conference of Charities and Corrections, 1911*, p. 37.

Alexander Fleisher, "State Money and Privately Managed Charities," *The Survey*, XXXIII (October 31, 1914), 112.

Robert D. Dripps, "The Policy of State Aid to Private Charities," *National Conference of Charities and Corrections, 1915*, p. 471.

Kenneth L. M. Pray, *A Survey of the Fiscal Policies of the State Subsidies to Private Charitable Institutions by the Commonwealth of Pennsylvania* (1922), pp. 227, 254.

[1] *State Charities Aid Association, Bulletin No. 73*, p. 20.

[2] Arizona, California, Connecticut, Delaware, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, New Hampshire, New Mexico, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, Virginia, and West Virginia. See below, pp. 42–45.

tion was in lump sum to a designated institution. In addition, all but five states[1] in the United States authorize the local authorities to make payments to private associations for some kind of services, most frequently for the care of the sick; but the amounts thus appropriated cannot even be guessed. Doubtless they would be insignificant in some places; but in New Jersey, where certain payments are mandatory, the amount must be very great.

The states in which public subsidies have reached largest proportions in relation to the total state expenditures for charities, have been Connecticut, Delaware, Maine, Maryland, and Pennsylvania.[2] In Delaware, the appropriations are all in lump sum to institutions classified for the most part as semipublic. The largest appropriations to any one group in Connecticut, Maine, Maryland, and Pennsylvania are to hospitals, specifically designated in the last two states. Subsidies in Maryland are imbedded in the educational as well as the charitable system, and totaled three quarters of a million dollars for the latter in 1929, in aid of nearly one hundred institutions.

The practice in Pennsylvania is of distant origin, and arose, it is said, from the burden upon local poor districts that resulted from an excessive number of immigrants, refused admission to other colonies, seeking a landing place in the free colony of Pennsylvania.[3] The first appropriation for a local charity hospital was made in 1751,[4] and since that date Pennsylvania has continued a policy of subsidies that amounted in 1929 to $3,144,050 for hospitals and another half a million for institutions for children, the aged, and others. Reforms have been attempted periodically and public control has been extended, but the amount of the appropriation does not decrease.

Dependent children have been the objects of state aid in California almost from the beginning of the state's history; and since 1879 the appropriation has been by per capita allowance. The rate

[1] Georgia, Nebraska, Nevada, Oklahoma, and Wyoming.

[2] See below, pp. 42–44.

[3] Ellen C. Potter, "Developing Standards of Fiscal Administration of Hospitals in Pennsylvania," in "State-Aided Hospitals in Pennsylvania" (Harrisburg), *Department of Welfare, Bulletin No. 25* (1925), p. 5.

[4] *Ibid.*

is $120 a year for each child who has been in the institution for one year.[1]

In New York, where large sums have been given to private institutions for children, an attempt was made in 1874 to escape from the entanglements of state subsidies by an amendment to the constitution forbidding all appropriations to private undertakings except those for the education and support of the deaf, dumb, blind, and juvenile delinquents.[2] The legislature then made mandatory county and city appropriations in aid of children's agencies until 1894, when the number under care became so great that another constitutional provision was added, to the effect that the legislature might authorize but not require such appropriations and that admission and retention in the institutions should be in accordance with regulation made by the State Board of Charities, subject to the general direction of the legislature.[3] The State Board of Charities at the same time was given permanence by a constitutional provision for its organization with powers of visitation, inspection, and regulation of all charitable organizations, whether or not receiving public funds.[4]

Subsidies in New York are therefore local in source for the most part, and are greatest in New York City. The difficulties that sometimes arise under these circumstances when the supervision of the institution rests upon the state authority have appeared in New York, as they have in Illinois.[5] It was found in 1914 that some of the institutions in New York City that had been given certificates of approval by the State Board were "little less than a public scandal and disgrace,"[6] the children underfed, overworked, and diseased from the filthy conditions in which they lived. The city had for many years perfunctorily paid on a per capita basis for the children committed to the various private charitable institutions over which it

[1] *California Constitution* (1879), art. iv, sec. 22; *Statutes*, 1921, p. 1687. For discussion, see Evangeline Rasmuson, *State Subsidizing of Private Charitable Agencies in California* (unpublished Master's thesis, University of Chicago, 1930).

[2] *New York Constitution* (1874), art. viii, sec. 10.

[3] *Ibid.* (1894), art. viii, sec. 14.

[4] *Ibid.*, secs. 11, 13.

[5] See below, chap. vi.

[6] *Annual Report of the Department of Public Charities of the City of New York for 1914*, p. 15, in Breckinridge, *op. cit.*, p. 686.

exercised no control. As a result of the investigation made at that time, the city Department of Public Welfare was reorganized to include a department of child-placing under a competent staff,[1] thus offering another resource besides the private institution.

That a well-organized system of public charities will eliminate the practice of subsidizing private institutions is indicated by the development in Massachusetts which is outstanding for its Division of Child Guardianship in the Department of Public Welfare, where on March 1, 1927, 5,892 children were under supervision in foster-homes.[2] The treatment of the sick, the handicapped, the insane, the defective, and the delinquent has also been more adequate there than in most states. The use of the private institution paid by the state for its services was never extensive, with the total sum appropriated in a period of fifty-seven years (1860–1917) amounting to $6,871,460.84,[3] or about that contributed by Pennsylvania for a biennium. The practice was entirely discontinued by constitutional amendment in 1917 (except for possible grants to private institutions for the care of the deaf, dumb, or blind),[4] thus firmly establishing the policy of state provision for public wards.

The principle that where public money goes public control should follow has long been recognized. One of the leaders in the public welfare movement, speaking before the National Conference of Charities and Corrections in 1897, stated: "The doctrine is now pretty well established and generally received, that the state should control absolutely all institutions in aid of which it is asked to make appropriations."[5] Although "absolute control" is not yet general, some form of supervision over institutions receiving public funds is found in all states making such grants.

Of greater significance, perhaps, is the development of supervision over all private organizations, regardless of whether or not they receive

[1] *Ibid.*, p. 664.

[2] Robert W. Kelso, *The Science of Public Welfare* (New York: Henry Holt & Co., 1928), pp. 357–58.

[3] Massachusetts Constitutional Convention, *Debates, 1917–1918*, Vol. I, chap. 2, pp. 62–79.

[4] *Massachusetts Constitution*, 1917, art. xlvi, secs. 2, 3.

[5] F. H. Wines, "The Organization of State Charities," *National Conference of Charities and Corrections, 1897*, p. 36.

public appropriations. An inquiry in 1911 showed that eighteen of the thirty-nine states from which replies were received were without supervision of private charities;[1] while the statutes of the forty-eight states in 1929 reveal only one[2] without any supervision, three[3] others in which it is left to local authorities for a limited group, and four[4] that concern themselves only with state-aided institutions. On the other hand, supervision in some form is now extended to all private charitable corporations in eighteen states and to those for children in twenty-two more.[5] Organizations caring for the insane in sixteen states and for the aged in six are subject to state regulation of some kind.[6]

The agency through which the state extends its supervision over private charities is usually a board or department for the administration of public welfare services. Such a central authority is found in 1929 on the statute books of all but four states[7] and has taken the form of (1) an unpaid board with advisory and supervisory powers; (2) a board of unpaid or ex officio members, with administrative as well as supervisory powers; (3) salaried boards of control of three or five persons; or (4) a department of public welfare as one of the departments of the state government.[8] The board of unpaid members with advisory powers was first established in Massachusetts in 1863 and is still to be found in eight states, although Massachusetts and thirteen other states have developed the highly centralized department with a director at its head, which is the most recent type of structure to be evolved.

With the growth in numbers and efficiency of central authorities having powers of control over private as well as public charities has come a new development in the relationship between the public authority and the private organization receiving public funds. Considerable progress has been made since 1900 in placing subsidies on a per capita basis and in requiring inspection, reporting, a uniform

[1] George S. Wilson, "Supervision of Private Charities," *National Conference of Charities and Corrections, 1911*, p. 36.

[2] Mississippi.

[3] Arkansas, Nevada, and Washington.

[4] See chap. ii, p. 37.

[5] *Ibid.*, p. 37.

[6] *Ibid.*, p. 38.

[7] Arkansas, Mississippi, Nevada, and Utah.

[8] See below, pp. 24–26.

system, and state auditing of accounts.[1] Another development seems to be emerging which also promises to remove some of the dangers of subsidies. It is the provision from public funds for a class of dependents, in public institutions, in boarding-homes, or in private institutions as the central authority may decide the individual needs of the person require. The appropriation in that case is to the central authority, and the rate to be paid for services may or may not be fixed by the statute; the emphasis is placed upon the class of dependents to be served, not the class of private agencies in which they may receive care.

No state seems to have consciously adopted such a policy for all appropriations to private organizations, but evidences of it are found in recent legislation relating to crippled children, dependent children, and the sick in some of the older subsidy states. This plan vests considerable discretion in the central authority and presupposes an adequate, qualified staff, capable of administering services with a great deal of flexibility, according to the particular needs of the person under care.

The appropriation for the care of the sick in Maine in 1929[2] illustrates a provision of this kind. Maine has for many years made appropriations amounting to about $200,000 a year to private hospitals, children's agencies, homes for the aged, and organizations for the deaf and blind. In 1929, instead of making the usual grant to designated hospitals to be expended at so much per week, the legislature appropriated $160,000 for the care of the sick "in both public and private hospitals," the whole sum to be spent under the direction of the Department of Public Welfare, which was given power to prescribe forms for applications and reports and was required to keep a record of all cases reported to it with the action taken on each.

Similarly, the crippled children's act in Ohio[3] provides that the Department of Public Welfare shall arrange by contract for the treatment of crippled children in any public or private hospital, the compensation to be arranged by the Department, and a contract to be terminated at any time the Department thinks advisable.

[1] See below, pp. 46–48.

[2] *Maine Laws*, 1929, chap. 35, p. 451.

[3] *Ohio Laws*, 1919, p. 134.

In contrast to these is the California statute[1] which reads that there is appropriated "to each and every institution in this state conducted for the support and maintenance of needy minor orphans, half-orphans, ..." aid not in excess of $120 a year for each child, thus giving institutions of this class a claim upon the appropriation.

The transition from payments to institutions of a class for services rendered certain kinds of dependents, to payments for services to certain dependents, purchased or provided by a central authority representing expert knowledge and skill, would seem to warrant a re-defining of the term "subsidy."

The Committee on the Division of Work between Public and Private Charities of the National Conference of Charities and Corrections in 1901 devoted a year to the study of subsidies and formulated a definition that has been widely accepted. A subsidy was said to be "any payments from the public treasury, whether of the nation, state, county or any other political division, to charitable agencies not entirely controlled by the public, whether given in gross amount or as specific payment for specific services."[2] At the same session of the Conference, however, the comptroller of New York City, who had put into effect the recommendations of the State Charities Aid Association in securing reforms in that city, stated that he considered a subsidy a lump sum or gift to aid work; that private institutions could sometimes do certain things better than the public could; and that if paid on a per capita basis, if "hired to do the work," it was a "strictly business proposition."[3]

The latter view that for services rendered public wards a payment is not "in aid" of a private organization has prevailed in a number of court decisions[4] on the constitutionality of a public au-

[1] *California Statutes*, 1921, p. 1687.

[2] *National Conference of Charities and Corrections, 1901*, p. 118. The committee was composed of Frank Fetter, chairman, Levi L. Barbour, Jeffrey R. Brackett, Homer Folks, Philip C. Garrett, Henry Hopkins, and Alexander Johnson.

[3] Bird S. Coler, "The Subsidy Problem in New York City," *National Conference of Charities and Corrections, 1901*, p. 132.

[4] *Hager, Auditor*, v. *Kentucky Children's Home Society* (1904), 119 Ky. 235; *Ingleside Association* v. *Nation* (1910), 83 Kans. 172; *State ex. rel. City of St. Louis* v. *Seibert, State Auditor* (1894), 123 Mo. 424; *Wisconsin Industrial School for Girls* v. *Clark County* (1899), 103 Wis. 651.

thority making payments to private agencies when the constitution forbids gifts, donations, or appropriations in aid of a private corporation or purpose. It is a general rule that the legislature is without power to appropriate public funds for other than a public purpose, but it is vested with a large discretion in determining what constitutes a "public" purpose.[1] The court, therefore, follows the judgment of the legislature unless the use for which an appropriation is made is patently private. Certain charitable objects have been described as "quasi-public"; and although the appropriation for them may be for special classes, their care is so closely allied to the public welfare that the courts have often interpreted them as public in nature.[2]

In the Kentucky decision, *Hager* v. *Kentucky Children's Home Society*, as to whether the state could appropriate $15,000 a year to a society for destitute children, the problem is set out in this way:

> It may well and wisely be left to the Legislature to say how it will dispense the State's charities. Varying conditions, improved methods of treatment, changing circumstances affecting the ability of the people to provide for such charges, all bear upon the legislative discretion, and doubtless find a proper application in the measures finally adopted by that body. Yet back of all that must exist the power to do the thing in question—the power to make the provision. It is this power alone that the courts can deal with, and then only to the extent of determining whether it exists. Whether it is exercised, and how exercised are manifestly matters of exclusive legislative discretion. . . . .
>
> That its exercise may be abused is true of this act as well as of many other matters committed by the Constitution to that branch of government. But even its abuse is not a matter for the courts to inquire into. The people alone can control that. They have reserved to them that power over their representatives in matters of legislation.[3]

It would seem, therefore, that the state may make what provision it will for whatever groups are recognized by the general public as being proper objects of care and that the subsidy is a transition measure enabling the public to contribute to the support of certain groups without attempting to assume full responsibility for them. The appropriation to the central authority to provide care in the manner it deems most suitable would seem to be the next step beyond public appropriations to designated private organizations.

[1] 25 *Ruling Case Law*, 398.

[2] *Ibid.*, p. 400.

[3] 119 Ky. 246, 251.

The definition of a "subsidy," then, might be restated as any payment from the public treasury, whether state, county, or municipal, either in lump sum or on a per capita basis for services rendered, *under an appropriation to a designated institution or class of institutions*. Where the central authority in its discretion arranges with a private institution for the care of the sick, for example, the payments it makes do not constitute a subsidy because the institution has no claim upon the state but only upon the central authority to whom the state has delegated power to select the hospitals with which it will contract. Under this plan the dangers of favoritism, resistance to changes in policy, and unnecessary multiplication of one type of agency are lessened because (1) the central authority has continuous supervision over the institutions of its own selection; (2) it has power to make flexible arrangements not possible under statutory definition of aid; and (3), finally, the central authority represents a skilled and specialized service not yet fully realized in the United States but possible of development.

A study of the administration of subsidies in Illinois has been found to illustrate some of the dangers and difficulties inherent in the policy even when allowances are carefully regulated and limited.

As a state, Illinois has been wary of appropriations to private charitable organizations, probably because of an experience in the sixties when the demands for special privileges became so excessive that the drafters of the constitution of 1870 wrote into it several clauses forbidding the lending or giving of the credit of the state, or the granting of special privileges to an individual or corporation, or the appropriation of funds to sectarian organizations.[1]

The state has, however, authorized payments from the county treasuries to certain kinds of organizations, notably so-called industrial and training schools for dependent children, to which specified per capita allowances were made mandatory in 1879[2] and 1883.[3] In 1923 an amendment to the juvenile court law[4] extended payments to associations caring for or obtaining homes for dependent children,

[1] *Illinois Constitution* (1870), art. iv. secs. 20, 22; art. viii, sec. 3.

[2] *Illinois Laws* (Legal News ed.), 1879, p. 137.

[3] *Ibid.*, 1883, p. 133.

[4] *Ibid.*, 1923, p. 180.

the amount for each child to be determined by the court. Illinois, like many other states, has authorized counties and cities to contribute to the building and support of hospitals within their borders[1] and has enacted special legislation[2] to permit Cook County to contract with any recognized school of nursing for the care of patients in the County Hospital.

The situation in Illinois is of interest because the problems that have developed are typical of those generally found under the subsidy system even at its best. Outside the region around Chicago and Cook County, appropriations under the laws mentioned have been negligible; but in Cook County the payments to private organizations total more than one and a third million dollars a year and are a source of constant contention and dissatisfaction.[3] Sectarian and other interest groups, long accustomed to receiving public money, have come to regard it as their due, have sought to have the rate of payments increased, and bitterly fight any proposed change in public policy.

A study of the industrial and training schools, located chiefly in Cook County, shows that the institutions longest established, as they have secured endowments and a recognized place in the community, have tended to restrict their intake to so-called normal children who can profit most from the advantages they have to offer. These institutions have at times attempted to dictate public policy. Twenty-three of the twenty-seven industrial and training schools in the state have incorporated under these laws since 1911; and all but three of the twenty-three had been in existence as children's homes, previous to their special incorporation as two associations, one for boys and the other for girls. In some instances the original charter also was retained and financial reports are made for three societies, although the institution operates practically as one. It is, therefore, very difficult to secure reliable figures on which to compute the per capita cost of maintenance. Still another evil in this threefold incorporation is that the original institution may have

[1] *Ibid.* (Bradwell's ed.), 1889, sec. 89, p. 51; as amended by *Laws*, 1913, p. 135.

[2] *Laws*, 1905, p. 89.

[3] See chaps. v and vi for a full discussion of the situation in Cook County.

been for children too young to be given industrial or manual-training instruction, so that incorporation as an industrial or training school is really a subterfuge for qualifying for the county subsidy.

Another difficulty has arisen from the disregard, or at least equivocal interpretation, of the clause in the constitution prohibiting the payment of public money in aid of any sectarian purpose. As a result of this liberal interpretation 85 per cent of the capacity of the schools receiving subsidies is in institutions maintained by religious groups usually organized on a national as well as a sectarian basis. The effect has been to cause the Juvenile Court to "pigeon-hole" children into these institutions according to the nationality and religion of the parents. The boarding-home fund made available by the 1923 amendment is being administered according to the same scheme, namely, through one non-sectarian society and through three others representing the Jewish, the Catholic, and the Lutheran faiths.

The public authorities of Cook County have found themselves in a dilemma in attempting to deal with these institutions and agencies. The Board of County Commissioners has, from the inception of the legislation, objected and at times has tried to evade paying the sums ordered by the court. The court, on the other hand, has been overwhelmed in a rapidly growing metropolitan area with numbers of dependent children for whom it must make provision. The only resources at hand were those offered by private initiative. At the present time (1930) these are not adequate; the funds for boarding children in family homes are not large enough to care for more than exceptional problems; private agencies and institutions are asking for larger payments for the children committed by the court, and some of them are declining to accept unselected children.

Another problem that often appears under the subsidy system concerns the state and local authority in relation to the private institution. Although the state has restricted subsidies to payments from the county treasury, it has given the county no power of supervision over the institutions subsidized. A plan of state inspection and licensing was expected to furnish the county with a list of "accredited" institutions whose work met certain minimum standards. The history of state supervision of private charities, as disclosed in chapter iii, exposes some of the weaknesses of this plan when the

state is inadequately equipped with personnel and funds and when the spoils system is as virile as it has been in Illinois.

The accidental way in which subsidies are inaugurated is also illustrated by the beginnings in Illinois.[1] The intention of the women who promoted the passage of the industrial school act in 1879 was to secure aid for the Illinois Industrial School for Girls, which they had organized because the state had provided no training school for neglected and older dependent girls. In 1885 they tried to induce the legislature to make it a state institution; but in the meantime, two years before, an act for boys similar to the act for girls had passed the legislature through the efforts of the Catholic archbishop of the Chicago diocese,[2] and the subsidy system was fastened upon Illinois.

The chief sources of information for the study of the administration in Illinois have been the reports and publications of the central and local authorities. For the state, detailed facts and figures have been secured from the biennial reports of the Board of State Commissioners of Public Charities (1869–1909), the annual reports of the State Charities Commission and the Board of Administration (1909–16), and the annual reports of the Department of Public Welfare (1917–29). The two boards whose powers were largely supervisory, the Board of State Commissioners of Public Charities and the State Charities Commission, depended upon the creation of public interest and opinion for the execution of their recommendations, and therefore included in their reports many comments and information that have proved valuable in giving an understanding of the attitudes and intentions of the state authorities. From 1869 to 1917 the reports of visits to private child-caring institutions were published in full in addition to financial statements and movements of population, thus giving valuable facts as well as revealing standards of state inspection. Since 1917, because the director of the Department of Public Welfare at that time did not think the publication of such material important enough to warrant the expense,[3] only a brief summary of facts about all private institutions has been included in the annual reports.

The *Institution Quarterly*, published from 1909 to 1924 as the

[1] See chap. iv, pp. 95–99.

[2] *Chicago Tribune*, June 14, 1883, p. 3.

[3] See below, p. 63.

official organ of the central authority, contained accounts of many discussions of administrative questions as well as reports of the findings of official investigations and committees. From this source the results of the three investigations[1] of public and private charities, made in 1913, 1916, and 1920 under the direction of the supervisory boards functioning in those years, have been available.

For the administration of subsidy legislation in Cook County the *Proceedings* of the Board of County Commissioners, from 1879 to 1929, and the comptroller's *Reports* from the beginning of their publication independently of the *Proceedings* in 1911 to 1927 (in print on July 1, 1930), have been consulted. A complete file of annual reports for the institutions could be secured only for the Glenwood Manual Training School; but copies of recent reports, either in printed or mimeographed form, were procured from the Park Ridge School, the Angel Guardian Catholic Orphan Society of Chicago, Lisle Manual Training and Industrial Schools, St. Hedwig's Industrial and Polish Manual Training Schools, Chicago Home for Jewish Orphans, and the Illinois Children's Home and Aid Society. For the Protestant institutions, Miss Bertha Hosford's study of the Protestant institutions for dependent children in Illinois was relied upon.[2]

The study of the counties outside of Cook was conducted by means of a questionnaire sent to the judges and clerks of each county. Replies were received from one or both of these officials in sixty-six of the one hundred and one counties.

[1] Vella Martin, "Public and Private Outdoor Relief in Illinois," *Institution Quarterly*, September 30, 1913.

Annie Henrichsen, "The Almshouse, Jails and Outdoor Relief by Counties," *ibid.*, March 31, 1916.

Elizabeth Jack, "A Survey of Social Conditions in Illinois," *ibid.*, June–September, 1920. The complete report with data county by county is available in only a limited number of copies of the *Quarterly* of that date.

[2] Bertha C. Hosford, "Protestant Institutions for Dependent Children in Illinois" (University of Chicago unpublished Master's thesis, 1927).

CHAPTER II

PUBLIC REGULATION AND SUPPORT OF PRIVATE CHARITIES IN THE UNITED STATES

The relation of the state to private charitable institutions and agencies has been variously defined by each of the forty-eight states. With the creation of a state central authority,[1] private organizations came within its purview, along with the state institutions and the activities of local authorities. But the extent of the authority of the central body over the private charity has its roots in the English common law and is governed by the statutes of the individual states. In general, the relationship between the public authority and the private charity, as it will be discussed here, presents three aspects: (1) the powers and duties of the state toward the private agency as established by common law and sometimes expressed in the statute law; (2) the supervision or control exercised by the central authority over the organization; and (3) public aid to the private agency.

Charitable Trusts and Institutions

Certain practices regulating charitable trusts generally in the United States are based on the English common law. The statute of charitable uses,[2] enacted in England in 1601, contained an enumer-

[1] For an excellent analysis of the nature and work of the various types of central authorities in the United States, see Sophonisba P. Breckinridge, "Public Welfare Organization with Reference to Child Welfare Activities," *Social Service Review*, September, 1930, pp. 376–422.

[2] The famous 43 Eliz., c. 4, 1601, like the Poor Relief Act (43 Eliz., c. 2, 1601), was a positive measure replacing a series of repressive laws, and was intended to provide a legal machinery for correcting existing abuses in the administration of eleemosynary trusts. 5 *R.C.L.* 323.

The twenty-one charitable uses enumerated were relief of aged, impotent, and poor people; maintenance of sick and maimed soldiers and mariners, schools of learning, free schools, and scholars in universities; repair of bridges, ports, havens, causeways, churches, seabanks, and highways; education and preferment of orphans; relief, stock, or maintenance for houses of correction; marriages of poor maids, support, aid or help of young tradesmen, handcraftsmen and persons decayed; relief or redemption of prisoners or captives, and aid or ease of any poor inhabitants concerning payments of fifteens, setting-out of soldiers' and other taxes. 11 *Corpus Juris* 314 (footnote 93).

ation of purposes and objects considered charitable which are still observed by most courts; although in the United States the view has been that such trusts were inherent in the common law and hence not dependent upon this statute,[1] for, "considering the spirit to be broad enough to include whatever will promote, in a legitimate way, the comfort, happiness, and improvement of an indefinite number of persons, the statute is generally held to be a part of the common law of states even that reject all the other features of it."[2] It covered, in general, these four uses or divisions of charity: (1) trusts for the relief of poverty and distress, (2) trusts for the advancement of education, (3) trusts for the advancement of religion, and (4) trusts for other purposes beneficial to the community not falling under any of the preceding headings.[3]

Since a private or voluntary charity[4] is one "which discharges, in whole or in part, a duty which the commonwealth owes to its indigent and helpless citizens,"[5] it must needs be of a public nature; that is, it must be for the benefit of an indefinite number or class of persons and must be applied, according to a leading definition,[6] "by bringing their minds or hearts under the influence of education or religion, by relieving their bodies from disease, suffering or restraint, by assisting them to establish themselves in life, or by erecting or maintaining public buildings or works, or otherwise lessening the burdens of government." Other pronouncements have been similarly broad in interpreting what is a charity,[7] as changing conditions of

[1] *Vidal* v. *Girard* (1844), 43 U.S. 127.

[2] 5 *R.C.L.* 323. [3] 11 *C.J.* 314.

[4] The terms "private" and "public" charities are used here in their common, not legal, meanings—that is, by "private" are meant those charities supported from voluntary contributions and administered by individuals or incorporated bodies which are interested in the charity for its own sake, and by "public" are meant those charities supported from funds raised by taxation and administered by governmental authority, either state, county, or municipal.

[5] 5 *R.C.L.* 293.

[6] That of Mr. Justice Gray in *Jackson* v. *Phillips* (1867), 96 Mass. 539, 556.

[7] For example, "Any gift, not inconsistent with existing laws, which is promotive of science, or tends to the education, enlightenment, benefit, or amelioration of the condition of mankind, or the diffusion of useful knowledge, or is for the public convenience, is a charity." *Missouri Historical Society* v. *Academy of Science* (1887), 94 Mo. 459, 466.

living have created changing needs and brought new avenues of expression for philanthropic impulses.

Certain principles in regard to charitable trusts are well established. They are the "favorites of equity," being liberally construed as valid whenever possible. "It is well settled in most of the states that courts of equity have an original and inherent jurisdiction to recognize and uphold charities, independently of the statute of 43 Elizabeth."[1] In this connection, the doctrine of cy pres, an essential element in all equity jurisdiction, is invoked in many states although rejected in Alabama, Delaware, Minnesota, South Carolina, and North Carolina.[2] This is a doctrine of "approximation" which enables the court, by applying liberal rules of construction, to deal with a trust having a general charitable purpose not capable of being administered according to its terms, in a manner as nearly as possible according to the original donor's intentions.[3]

Since a gift for charitable purposes is for objects or purposes of permanent interest and benefit to the public, it is permitted to be perpetual in its duration and is not within the rule against perpetuities.[4] Further evidence of the public nature of charitable trust is found in the rule that, once valid, a trust belongs to the public and if the trustees fail, the property belongs to the state.

> Property given to a charity becomes in a measure public property, only applicable as far as may be . . . . to the specific purposes to which it is devoted, but, within those limits, consecrated to the public use, and becomes part of the public resources for promoting the happiness and well-being of the people of the state.[5]

The representative of the public interest in any matter relating to private charity is the attorney-general, who may institute the proper proceeding to protect a charity that is endangered or faultily administered.[6] California,[7] Connecticut,[8] Maine,[9] Massachusetts,[10]

[1] 11 *C.J.* 307, 309.
[2] *Ibid.*, p. 359.
[3] *Ibid.*, p. 360.
[4] 5 *R.C.L.* 300.
[5] *Ibid.*, p. 361.
[6] *Ibid.*, p. 360.
[7] *California Laws*, 1927, chap. 331, p. 547.
[8] *Connecticut General Statutes*, 1918, chap. 8, sec. 170.
[9] *Maine Revised Statutes*, 1916, chap. 82, sec. 65, p. 1158.
[10] *Massachusetts General Laws*, 1921, chap. 12, sec. 8.

Missouri,[1] Nebraska,[2] and South Carolina[3] specify by statute that the attorney-general shall have this duty; and Michigan[4] and Nebraska[5] give him power in his discretion to require reports concerning the affairs of charitable associations. This duty of the attorney-general is settled law, however, in the United States as in England.[6]

A charitable institution is granted a charter by the state under principles in keeping with its purpose. It has no capital stock, no provision for making dividends or profits, and is subject to a different rule in the distribution of the assets upon dissolution from that to which private corporations or trusts are subject.[7]

Almost all states exempt charitable institutions by statute from taxation, on the ground that, since they perform work which would otherwise have to be carried on at the expense of the taxpayers, exemption lessens rather than increases the burden of taxation on other taxpayers.[8] An examination of the constitution and statutes of the various states reveals that exemption from taxation may be authorized (1) by the constitution, (2) by general law in accordance with permissive power given the legislature by the constitution, or (3) by statute enacted under the legislature's general powers. Arkansas,[9] Kansas,[10] Kentucky,[11] North Dakota,[12] New Mexico,[13] Oklahoma,[14] and Utah[15] have provision in the constitution that property used exclusively for charitable purposes shall be exempt from taxation; and Arizona,[16] Delaware,[17] Nevada,[18] Texas,[19] Virginia,[20] and

[1] *Missouri Revised Statutes*, 1919, sec. 10276.
[2] *Nebraska Compiled Statutes*, 1922, sec. 503.
[3] *South Carolina Code of Laws*, 1922, art. iv (800), sec. 6.
[4] *Michigan Compiled Laws*, 1915, secs. 10813, 10821, 10847, 11111.
[5] *Nebraska Compiled Statutes*, 1922, sec. 503; 1929, chap. 159, p. 554.
[6] 11 *C.J.* 367. [7] *Ibid.*, p. 303. [8] 34 *American Law Reports*, 634, 635.
[9] *Arkansas Constitution* (1874), art. xvi, sec. 5.
[10] *Kansas Constitution* (1859), art. ii, sec. 1.
[11] *Kentucky Constitution* (1891), sec. 170.
[12] *North Dakota Constitution* (1889), art. ii, sec. 176.
[13] *New Mexico Constitution* (1911), art. viii, sec. 3.
[14] *Oklahoma Constitution* (1907), art. ii, sec. 5.
[15] *Utah Constitution* (1895), art. xiii, sec. 3.
[16] *Arizona Constitution* (1910), art. ix, sec. 2.
[17] *Delaware Constitution* (1897), art. viii, sec. 1.
[18] *Nevada Constitution* (1864), art. x, 352, sec. 1.
[19] *Texas Constitution* (1876), art. viii, sec. 2 (by amendment, 1906).
[20] *Virginia Constitution* (1872), art. x, sec. 1.

Wyoming[1] permit such exemption. Delaware, by special law, exempts the property of the Delaware Industrial School for Girls, the Ferris Industrial School, the Florence Crittenton Home, all incorporated homes or houses of refuge for reformed women to the extent of $25,000, and agencies for settlement work, from state, county, and city taxes; and exempts from county tax property of charitable homes for incurables to the extent of $15,000, and that of day nurseries and Y.W.C.A.'s to $25,000.[2]

The New York law exempting a "poorhouse, almshouse, or house of industry" from taxation has been repeatedly held by the courts to include orphanages and homes for the aged at which no charge is made; but if a charge is made, the institution's property becomes subject to taxation.[3]

The courts have usually held that tax-exemption statutes should be strictly construed,[4] and Wyoming has so directed by enactment.[5] Property, therefore, the income of which is applied to charity but upon which the charity is not located, has been held to be subject to taxation.[6] The statutes of North Dakota,[7] New Mexico,[8] Illinois,[9] and West Virginia[10] specify that only property "not leased or otherwise used with a view to profit" shall be exempt. The Alabama law is more specific, excluding from exemption property let for rent or hire or use for business purposes even though the income from such property should be used exclusively for charitable purposes.[11] The South Dakota statute goes even farther, providing that farm lands exceeding eighty acres upon which the institution is located and other farm property owned by the institution shall be taxed as any farm land; and that property consisting of a hotel, residence,

[1] *Wyoming Constitution* (1889), art. xv, sec. 12.

[2] *Delaware Revised Code*, 1915, chap. 44, 1098, sec. 1.

[3] 34 *A.L.R.* 634, 657.

[4] *Ibid.*, pp. 634, 635.

[5] *Wyoming Laws*, 1925, chap. 45, sec. 2, p. 163.

[6] *People ex. rel. Baldwin* v. *Jessamine Withers Home* (1924), 312 Ill. 136.

[7] *North Dakota Statutes*, 1901, chap. 152, sec. 6.

[8] *New Mexico Statutes* (1915 Codification), sec. 5430.

[9] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 120, sec. 2.

[10] *West Virginia Acts*, 1927, chap. 14, pp. 18–19.

[11] *Alabama Code*, 1923, chap. 58, art. 2, sec. 3022.

or other class of mercantile building not used for primarily charitable purposes, shall be taxed.[1]

Even where the statute limits "charitable purposes" to relief of the disadvantaged groups, the courts have held that the Y.M.C.A., the Y.W.C.A., and similar organizations fall under the common-law definition.[2] Nevada exempts by statute the property of the Y.M.C.A.;[3] Texas has provided that the property of the Y.M.C.A., Y.W.C.A., and the Boy Scouts, shall be exempted;[4] Wyoming exempts lots or tracts of land and buildings thereon used for community buildings or owned and used by the Boy Scouts or Girl Scouts;[5] and Rhode Island does not tax Girl Scout property to $30,000.[6]

Certain states limit the amount or value of property which may be held for charitable uses. In Vermont, property in excess of $10,000,000 shall be forfeited to the state;[7] and in Massachusetts the amount is limited in value to $2,000,000 unless the association has been organized by special law providing otherwise.[8] South Dakota makes a provision in indefinite terms that no charitable or religious corporation shall own more real property than may be "reasonably necessary" for its purposes,[9] and New Hampshire limits exemption to $150,000 but permits towns and cities to increase it to such an amount as they choose.[10] The constitution of Mississippi provides that every bequest left for charitable or religious purposes, shall be null and void.[11]

Public Supervision of Private Charities

Supervision or oversight of the work of private charitable organizations by the state has been established by statute in forty-seven

[1] *South Dakota Laws*, 1927, chap. 46, sec. 2, p. 26.

[2] 34 *A.L.R.* 1067.

[3] *Nevada Laws*, 1911, sec. 1, p. 127.

[4] *Texas Revised Civil Code*, 1925, chap. 6, art. 7150.

[5] *Wyoming Laws*, 1925, chap. 45, p. 163.

[6] *Rhode Island Acts and Resolves*, 1929, p. 573.

[7] *Vermont Laws*, 1915, No. 141, sec. 15, p. 222.

[8] *Massachusetts General Laws*, 1921, chap. 180, sec. 9.

[9] *South Dakota Laws*, 1921, chap. 151, p. 243.

[10] *New Hampshire Laws*, 1926, chap. 60, secs. 22–25, p. 244.

[11] *Mississippi Constitution* (1890), art. 14, sec. 269.

states,[1] a central authority for public welfare in all but four[2] of these having the responsibility for administering such legislation. As in the case of the almshouse, jail, and other county institutions, the private organization was often at first subjected to local supervision of a nominal kind. The development of a variety of specialized state institutions for such groups as the insane, the feeble-minded, the physically handicapped, the felon, the delinquent child, and in some cases the dependent child, necessitated some kind of centralized supervision. Along with the problems of the state institutions and the local jurisdictions which offer unequal and often unskilful services, the problem of the relation of the state to the private charitable organization has presented itself. It may simplify the discussion of the last if the forms of the central authorities that have been developed are briefly reviewed.

The data relating to the central authorities are based on the statutes and are intended to give the reader a general survey of the development toward centralization in the administration of services or of supervision in relation to the state institution, the local jurisdiction, and the private organization. Since this development has been directed by forty-eight different law-making bodies, it is extremely variable, as well as varied. No pretense is made, therefore, of presenting the complete organization of individual states; but in general, certain types of authority that seem to clarify the use of the term "central authority" will be noted. It is hoped that with this description in mind the reader can more easily follow the discussion of the forms of supervision the states exercise over private charitable organizations.

A word should be said also concerning the central authority in welfare in relation to the state board or department of health. In the newer, more sparsely settled sections of the country where spe-

[1] Mississippi has as yet set up no local or state supervision of private agencies; and has no central authority, although a bill to create a State Board of Administration was introduced in the 1930 legislature. *Mental Hygiene*, July, 1930, p. 758.

[2] Nevada and Utah likewise have no central authority. Arkansas abolished its Board of Charities and Corrections in 1927 (Act 37, sec. 19, p. 105), restoring separate boards for each state institution and in 1929 (Act 48, p. 99) providing a joint secretary for all the boards at a salary of $2,100 and expense account of $200 for office, traveling, and all other expenses.

cialized services have not been demanded or warranted by social conditions, the board or department of health is often given duties usually assigned to a central authority for public welfare.[1] And even in some of the older states certain duties of inspection, particularly as they affect maternity hospitals and boarding-homes for children, are given to the health authority. On the whole, however, the welfare aspect of work for unmarried mothers and children, as well as the health and sanitation aspects, is receiving attention so that inspection by both health and welfare authorities is found in several states.

The first type of central authority was a board with supervisory powers to which in some states were added certain administrative duties.

At the present time four structural types can be distinguished in the United States,[2] the most highly centralized of which, perhaps, is the department for the administration of public welfare activities as one of the departments of the state government. Illinois[3] set up such a plan in 1917 and has been followed by California,[4] Colorado,[5] Idaho,[6] Massachusetts,[7] Michigan,[8] Nebraska,[9] New Jersey,[10] New Mexico,[11] New York,[12] Ohio,[13] Pennsylvania,[14] Tennessee,[15] and

[1] In Idaho, for example, a Department of Public Welfare was created in 1919 (*Compiled Statutes*, sec. 342) but was given the powers and duties of a health department. In Oregon the first supervision of private agencies was exercised by the State Board of Health. A Child Welfare Commission was added in 1920, but both bodies still have powers of visitation and certification of private children's agencies. (*Oregon Laws* [Olson], 1920, secs. 8434, 9839). In 1929 Texas extended supervision through the Board of Health over private organizations for children (*Laws*, 1929, chap. 204, p. 444).

[2] Breckinridge, *Social Service Review*, September, 1930, pp. 376–422.

[3] *Illinois Laws*, 1917, pp. 4–28.

[4] *California Laws*, 1925, chap. 18, p. 1; chap. 62, p. 14.

[5] *Colorado Compiled Laws*, 1921, chap. 16, p. 331; *Laws*, 1923, chap. 169, p. 593. (Nominal appropriation only since 1927.)

[6] *Idaho Compiled Statutes*, 1919, sec. 342, p. 112; *Laws*, 1929, chap. 161, p. 291.

[7] *Massachusetts General Laws*, 1921, chap. 18, pp. 82–84.

[8] *Michigan Laws*, 1921, chap. 163, p. 335; chap. 2, p. 5.

[9] *Nebraska Compiled Statutes*, 1922, secs. 8159–8329; *Constitution*, art. iv, sec. 19.

[10] *New Jersey Supplement to Compiled Statutes*, 1911–24, pp. 34–42.

[11] *New Mexico Compiled Statutes*, 1929, chap. 126, p. 1532.

[12] *New York Laws*, 1927, chap. 585, p. 1504; 1928, chap. 859, p. 1824; 1929, chap. 565, art. xvi, pp. 1188–90.

[13] *Ohio Code* (Throckmorton), 1929, p. 43.

[14] *Pennsylvania Laws*, 1921, p. 1144; 1923, p. 498.

[15] *Tennessee Code* (Shannon), 1926, *Supplement*, secs. 373*a*30, 373*a*103, 312*b*1–49.

Washington[1]—a total of fourteen states. Under this plan of organization, the head of the department of public welfare is usually a director or commissioner, most often appointed by the governor, subject to approval of the senate, perhaps having associated with him an advisory board.[2]

Salaried boards of control, usually composed of three members appointed by the governor to serve rotating terms, are found in eleven states: Alabama,[3] Arizona,[4] Iowa,[5] Kansas,[6] Minnesota,[7] North Dakota,[8] Oklahoma,[9] South Dakota,[10] Texas,[11] West Virginia,[12] and Wisconsin.[13] Such boards usually serve for long terms, at good salaries, but qualifications for appointment are not often specified. The activities seem to be largely in connection with the state institutions, with less emphasis on the supervision of private agencies.

Boards with administrative powers, but unpaid or ex officio membership, are found in eleven states. These are Connecticut,[14] Florida,[15] Kentucky,[16] Maryland,[17] Missouri,[18] Oregon,[19] Rhode Island,[20] South Carolina,[21] Vermont,[22] Virginia,[23] and Wyoming.[24]

[1] *Washington Laws*, 1921, chap. 7, p. 21; *Compiled Statutes* (Remington), 1922, Title LXXV, chap. 1, secs. 10760–94.

[2] Breckinridge, *Social Service Review*, September, 1930, pp. 376–422.

[3] *Alabama Acts*, 1923, chap. 85, p. 67.

[4] *Arizona Laws*, 1919, chap. 64, pp. 91–97.

[5] *Iowa Code*, 1927, chap. 181-*a*1, sec. 3661 *a*1–*a*7.

[6] *Kansas Revised Statutes*, 1923, chap. 76, secs. 108, 145.

[7] *Minnesota Statutes*, 1923, chap. 25, pp. 4398–4453; *Laws*, 1925, chap. 426, pp. 757–73.

[8] *North Dakota Laws*, 1919, chap. 71, p. 85; 1923, chap. 150, p. 140.

[9] *Oklahoma Statutes* (Bunn), 1921, Vol. I, art. v, secs. 49–65, pp. 48–52.

[10] *South Dakota Code*, 1919, Vol. II, sec. 5371, p. 1281.

[11] *Texas Revised Statutes*, 1925, Vol. I, Title 20, chaps. 1-7, p. 9212.

[12] *West Virginia, Code Supplement*, 1909, chap. 15-*k*, sec. 503-*a*1–*a*25.

[13] *Wisconsin Statutes*, 1927, chap. 46, p. 556.

[14] *Connecticut Acts*, 1921, chap. 307, p. 3324.

[15] *Florida Laws*, 1927, chap. 12288, p. 1210.

[16] *Kentucky Acts*, 1928, chap. 16, pp. 81–129.

[17] *Maryland Laws*, 1922, p. 59; *Code* (Bagby), art. 88-*a*, pp. 2749–52.

[18] *Missouri Laws*, 1921, pp. 380–90; *Revised Statutes*, 1919, chap. 111, secs. 12176–79.

[19] *Oregon Laws* (Olson), 1921, chap. vii, secs. 2796–2812.

[20] *Rhode Island General Laws*, 1923, chap. 413, p. 1803; *Public Laws*, 1925, chap. 339; 1926, chap. 862; 1927, chaps. 961, 965.

[21] *South Carolina Code*, 1922, Vol. II, chap. 26, p. 285 (no appropriation since 1926).

[22] *Vermont Acts*, 1923, No. 7, pp. 6–18.

[23] *Virginia Acts*, 1922, chap. 105, pp. 156–62.

[24] *Wyoming Compiled Statutes*, 1920, sec. 499; *Laws*, 1921, chap. 154, p. 255.

The fourth type of central authority is the unpaid, supervisory board, appointed by the governor to give oversight and advice primarily to the state institutions. Where their powers include some supervision of private charitable organizations, the latter are most frequently those caring for children.[1] This is the first type of state authority developed and is found in 1929 in Delaware,[2] Georgia,[3] Indiana,[4] Louisiana,[5] Maine,[6] Montana,[7] New Hampshire,[8] and North Carolina.[9]

The supervisory power vested in the various types of central authorities, may take one or more of the following forms: (1) provision for visitation and inspection, (2) annual certification or licensing, (3) a requirement that regular reports be submitted, or (4) that the charter be approved before articles of incorporation are granted. The power may be permissive or mandatory; it may be extended to all organizations or limited to a special class or classes.

Of these, visitation and inspection is usually the first form of authority the state extends over private agencies. It is variously defined in the statutes but seems most commonly to mean authority to enter, have access to, and examine both the physical plant and administrative policies and practices. In some states the board of visitors' task is ended when it makes a report of its findings; but in other states[10] administrative power is added, enabling the board to

[1] Breckinridge, *Social Service Review*, September, 1930, pp. 376–422.

[2] *Delaware Laws*, 1919, chap. 64, pp. 139–43.

[3] *Georgia Laws*, 1919, No. 186, pp. 224–27.

[4] *Indiana Statutes* (Burns), 1926, Vol. II, art. 16, secs. 4296–4305, p. 238.

[5] *Louisiana Laws*, 1921, chap. 101, p. 209.

[6] *Maine Laws*, 1927, chap. 48, p. 38; *Revised Statutes*, 1916, chap. 147, p. 1632.

[7] *Montana Code* (Choate), 1921, chap. 24, secs. 325–35.

[8] *New Hampshire Laws*, 1926, Vol. I, chap. 108, p. 403; 1929, chap. 177, p. 200.

[9] *North Carolina Consolidated Statutes*, 1919, Vol. II, chap. 88, pp. 96–100.

[10] The New York law, for example, empowers the Board of Charities to take proofs and hear testimony upon any visit of inspection, to prepare regulations, to issue subpoenas; and requires institution officials and employes to furnish information upon penalty of a misdemeanor. The act states : "The rights and powers hereby conferred may be enforced by an order of the supreme court after notice and hearing, or by indictment of the grand jury. . . . ."

The statute directs that upon visits of inspection the board or its inspector, shall determine: ". . . . (4) Whether the objects of the institution are being accomplished; (5) Whether the laws and rules and regulations of this board, in relation to it, are fully

make and enforce rules and regulations, hold hearings, summon witnesses, and examine them under oath. The board is often instructed to visit at least once, sometimes twice, a year; but again, the direction to visit "at any time" is also found.

Visitation and inspection in some degree are now quite common. The central authority in Colorado,[1] Georgia,[2] Louisiana,[3] Maryland,[4] New Jersey,[5] New York,[6] Ohio,[7] Oklahoma,[8] South Carolina,[9] Virginia,[10] and Wisconsin[11] is thus empowered to supervise organizations caring for all classes of dependents. In Vermont[12] all incorporated institutions soliciting public support for their work are subject to visitation; in Oregon[13] institutions caring for dependents and children's institutions receiving state aid may be visited and inspected by the Board of Health, and all children's organizations must be inspected by the Child Welfare Commission. Organizations in Maine[14] and Massachusetts[15] will be inspected annually if they

complied with; (6) Its method of industrial, educational and moral training, if any, and whether the same are best adapted to the needs of its inmates; (7) The methods of government and discipline of its inmates; (8) The qualifications and general conduct of its officers and employes; (9) The condition of its grounds, buildings, and other property; (10) Any other matters connected with or pertaining to its usefulness and good management." *New York Consolidated Laws* (Cahill), 1923, chap. 56, art. 2, secs. 8, 10, 12.

[1] *Colorado Compiled Laws*, 1921, sec. 531.

[2] *Georgia Laws*, 1919, No. 186, sec. 6, p. 224.

[3] *Louisiana Laws*, 1921, chap. 101, p. 163.

[4] *Maryland Code* (Bagby), 1915, chap. 88A, secs. 4, 5; *Laws*, 1927, chap. 632, p. 1268.

[5] *New Jersey Compiled Statutes (Cumulative Supplement)*, 1911–24, secs. 34–74, 34–260.

[6] *New York Constitution* (1894, as amended 1925), art. viii, sec. 11; *Consolidated Laws* (Cahill), 1927 *Supplement*, art. xiv, chap. 56-*a*, secs. 381–83.

[7] *Ohio Laws*, 1919, sec. 1352, p. 46.

[8] *Oklahoma Constitution*, 1907, art. vi, sec. 28; *Compiled Statutes*, 1921, secs. 49, 54–59.

[9] *South Carolina Code*, 1922, secs. 4356–57. (The Child Placing Bureau, serving as a bureau of investigation, has been transferred from the State Board of Public Welfare to the State Board of Health [*Acts*, 1927, No. 196, p. 359].)

[10] *Virginia Acts*, 1922, chap. 105, sec. 6, p. 157.

[11] *Wisconsin Statutes*, 1929, secs. 46.16, 58.01.

[12] *Vermont General Laws*, 1917, sec. 7313; 1923, No. 7, secs. 4, 30, p. 7.

[13] *Oregon Laws* (Olson), 1920, secs. 8447, 9839.

[14] *Maine Laws*, 1913, chap. 196, sec. 3.

[15] *Massachusetts General Laws*, 1921, chap. 121, sec. 7.

so request. Upon recommendation of the county commissioners, in Florida the governor appoints a local commission which has power to visit and inspect all public and private charitable institutions in the county.[1]

Where visitation and inspection is limited to certain groups, it is very widespread for associations caring for children in any way. In Alabama,[2] California,[3] and Texas[4] the power is permissive; but it is a definite duty of the state authority in Connecticut,[5] Florida,[6] Illinois,[7] Indiana,[8] Iowa,[9] Minnesota,[10] North Carolina,[11] North Dakota,[12] Pennsylvania,[13] Tennessee,[14] Virginia,[15] West Virginia,[16] and Wyoming.[17] Boarding-homes in New Hampshire,[18] Michigan,[19] Missouri,[20] and associations receiving children by court commitment in Idaho,[21] Kansas,[22] Montana,[23] Nebraska,[24] South Dakota,[25] and

[1] *Florida Compiled Laws*, 1927, Title V, chap. 10, sec. 890.

[2] *Alabama Code*, 1923, Vol. I, secs. 103–32.

[3] *California Statutes*, 1927, chap. 510, p. 856 (license is mandatory).

[4] *Texas Laws*, 1929, chap. 204, sec. 2, p. 444 (Board of Health acts as the central authority).

[5] *Connecticut Revised Statutes*, 1918, sec. 1797.

[6] *Florida General Laws*, 1927, Vol. I, chap. 12288, secs. 4, 10.

[7] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 23, sec. 5 (F), 207; chap. 127, sec. 53.

[8] *Indiana Statutes* (Burns), 1926, sec. 1719.

[9] *Iowa Code*, 1927, secs. 3655–56; 3661-*a*1–100; *Laws*, 1929, chap. 91, p. 129. The sections extending supervision over private institutions were repealed. *Laws*, 1925, chap. 80.

[10] *Minnesota Laws*, 1917, chap. 212, sec. 19, p. 302.

[11] *North Carolina Laws*, 1917, chap. 170, p. 320.

[12] *North Dakota Laws*, 1923, chap. 150, p. 140.

[13] *Pennsylvania Laws*, 1929, No. 175, art. 23, secs. 2301–10, pp. 290–95.

[14] *Tennessee Code* (Shannon), 1917, secs. 4436*a*28–32.

[15] *Virginia Acts*, 1922, chap. 103, sec. 4, p. 152.

[16] *West Virginia Proposed Code*, 1925, chap. 49, art. 3, sec. 23.

[17] *Wyoming Compiled Statutes*, 1920, sec. 3904.

[18] *New Hampshire Public Laws*, 1926, chap. 113, sec. 5, p. 417.

[19] *Michigan Acts*, 1919, No. 136, p. 248.

[20] *Missouri Laws*, 1921, sec. 6, p. 190.

[21] *Idaho Compiled Statutes*, 1919, sec. 1016.

[22] *Kansas Revised Statutes*, 1923, secs. 38–317.

[23] *Montana Revised Codes*, 1921, chap. 51, sec. 12288, p. 423.

[24] *Nebraska Compiled Statutes*, 1922, sec. 1186.

[25] *South Dakota Revised Code*, 1919, sec. 9990.

Vermont[1] are subject to inspection and visitation from the central authority.

A separate law to cover maternity homes and hospitals is found in a number of states, with a provision for licensing but usually only incidental mention of inspection. This duty is placed upon the central authority, however, in Indiana,[2] Iowa,[3] Massachusetts,[4] Michigan,[5] Minnesota,[6] Missouri,[7] and New Hampshire,[8] but is given to the local and state departments of health in California,[9] Idaho,[10] South Dakota,[11] Texas,[12] and Wisconsin.[13]

Institutions caring for the insane are open to inspection and visitation in California,[14] Illinois,[15] Iowa,[16] Maine,[17] Massachusetts,[18] Michigan,[19] New Hampshire,[20] New Jersey,[21] New York,[22] Pennsyl-

[1] *Vermont Laws*, 1919, No. 208, p. 217.

[2] *Indiana Statutes* (Burns), 1926, sec. 9889.

[3] *Iowa Laws*, 1925, chap. 79, sec. 12, p. 69.

[4] *Massachusetts General Laws*, 1921, chap. 111, secs. 71–73.

[5] *Michigan Compiled Laws*, 1915, chap. 208, sec. 10885.

[6] *Minnesota General Statutes*, 1923, sec. 4555, p. 648.

[7] *Missouri Laws*, 1921, p. 470.

[8] *New Hampshire Public Laws*, 1926, chap. 114, sec. 2, p. 420.

[9] *California Statutes*, 1925, chap. 316, p. 536.

[10] *Idaho Laws*, 1921, chap. 57, p. 101 (the Department of Public Welfare has the duties of the usual department of health).

[11] *South Dakota Laws*, 1925, chap. 220, p. 238.

[12] *Texas Revised Code*, 1925, art. 442.

[13] *Wisconsin Statutes*, 1929, chap. 48, sec. 48.43.

[14] *California Statutes*, 1925, chap. 62, pp. 146–47.

[15] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 23, sec. 5(F)(6).

[16] *Iowa Code*, 1927, chap. 175, secs. 3517–21.

[17] *Maine Laws*, 1929, chap. 137, p. 100 (by governor and council, or by Department of Health).

[18] *Massachusetts General Statutes*, 1921, chap. 123, sec. 14 (includes hospitals for insane, epileptic, feeble-minded, drug and alcohol addicts).

[19] *Michigan Acts*, 1921, chap. 163, sec. 11.

[20] *New Hampshire Laws*, 1917, chap. 103, sec. 3, p. 591.

[21] *New Jersey Laws*, 1922, chap. 95, secs. 125–27, p. 176.

[22] *New York Laws*, 1924, chap. 550, p. 993; *Constitution* (1894, as amended 1925), art. viii, sec. 11; *Consolidated Laws* (Cahill), 1928 *Supplement*, chap. 36-*a*, secs. 10–14 (includes institutions for insane, feeble-minded, and epileptic).

vania,[1] Rhode Island,[2] Vermont,[3] and West Virginia,[4] as are homes for the aged in California,[5] Connecticut,[6] Massachusetts,[7] Michigan,[8] New York,[9] and Rhode Island.[10]

An even more common means of supervision than inspection is periodic certification or licensing by the central authority. It has been authoritatively stated:

> There is no sharp distinction in the usage of the terms certificate, license, permit, etc., but there is an important difference according to whether the statute requires certification upon the basis of definite facts, or of conformity to the law, or leaves approval or disapproval to official judgment involving discretion.[11]

The last, administrative discretion, is the method most frequently found in the licensing of charitable organizations. A procedure recurring in many statutes is for the state authority to "pass annually upon the fitness" of a specified group, to require reports, and to investigate until "satisfied" of the competency of the agency, and then to issue a license for a certain period of time, often one year.[12] The

[1] *Pennsylvania Laws*, 1929, No. 175, art. 23, secs. 2301–10, pp. 290–95.

[2] *Rhode Island General Laws*, 1923, chap. 108, sec. 30; chap. 109, sec. 4.

[3] *Vermont Laws*, 1917, chap. 189, p. 733; 1923, No. 7, sec. 30(6), p. 14.

[4] *West Virginia Proposed Code*, 1925, chap. 27, art. 7.

[5] *California Statutes*, 1927, chap. 510, p. 856.

[6] *Connecticut General Statutes*, 1918, sec. 1869.

[7] *Massachusetts Acts*, 1929, chap. 305, p. 312 (covers only boarding-homes for those over sixty years of age.)

[8] *Michigan Laws*, 1921, No. 393, sec. 3, p. 720.

[9] *New York Consolidated Laws*, 1923, chap. 56, secs. 320–24, p. 1997.

[10] *Rhode Island Acts and Resolves*, 1929, chap. 1413, secs. 1–4, pp. 305–7.

[11] Final report of the special committee on legislative drafting (presented at the meeting of the American Bar Association at Cincinnati, Ohio, August 31, September 1 and 2, 1921).

[12] Compare, for example, the Virginia statute: "It shall be the duty of the state board of public welfare to pass annually on the fitness of every agency, public, semi-public, or private which engages in the business for gain or otherwise, of receiving and caring for children or placing, or boarding them in private homes. Annually and at such times as the board shall direct every such agency shall make a report showing its condition, management and competency to care adequately for such children as are committed or may be committed . . . . , the system of visitation employed for children placed in private homes, and such other facts as the board may require. When the board is satisfied . . . . it shall issue to an agency a license which shall continue in force for one year unless sooner revoked by the board. No agency which has not received such license within the fifteen months next preceding shall receive a child for care or placing out, or place a child in another home or solicit money in behalf of such agency." *Virginia Acts*, 1922, chap. 103, p. 152.

same statute may contain the proviso that any organization engaging in the work specified without such a license is guilty of a misdemeanor.[1] At the opposite extreme, however, are the statutes which make certification entirely optional.[2]

Where the issuance of the license rests with the discretion of the central authority, it is important that it be given power to make rules and regulations, and this is often done.[3] Other important provisions found scattered through the statutes are revocation of the license for cause after notice and hearing; the right of appeal from the decision of the administrative body; a time limit for the duration of the license, preferably one year; and uniform blanks furnished for applications.

Of the states in which inspection of all types of charitable organizations takes place, South Carolina[4] and Oklahoma[5] also have power to order certification; and Oregon[6] permits it except for children's agencies, when it is mandatory. Colorado[7] calls for annual licensing; and Iowa,[8] Maine,[9] and Michigan[10] require that every organization soliciting public funds outside the county in which it is located must be licensed by the central authority. All agencies in Maryland,[11] except those receiving state aid, are to be licensed. In California, charities soliciting public funds are to register with the county board of public welfare or, if none, with the county board of supervisors.[12]

Issuance of licenses annually to children's organizations is the most widespread kind of supervision to be found. Michigan[13] and

[1] *Oregon Laws* (Olson), 1920, sec. 9823(3).

[2] For example, *Delaware Laws*, 1919, sec. 1004A, p. 140.

[3] See *Maryland Laws*, 1927, sec. 88A; *Michigan Acts*, 1923, No. 151, p. 239; *New York Consolidated Laws* (Cahill), 1928 *Supplement*, chap. 56, art. 16; *Pennsylvania Laws*, 1921, No. 425, sec. 13; and others.

[4] *South Carolina Code*, 1922, sec. 4357.

[5] *Oklahoma Compiled Statutes*, 1921, sec. 534.

[6] *Oregon Laws* (Olson), 1920, secs. 8447, 9839, 9823, 9824.

[7] *Colorado Compiled Laws*, 1921, sec. 534.

[8] *Iowa Laws*, 1921, chap. 59, p. 54.

[9] *Maine Laws*, 1915, chap. 9, p. 5.

[10] *Michigan Acts*, 1915, No. 68, p. 116; 1925, No. 72, p. 96.

[11] *Maryland Laws*, 1927, chap. 632, p. 1268.

[12] *California Laws*, 1919, p. 1356.

[13] *Michigan Acts*, 1919, No. 136, p. 248; 1929, No. 50, p. 90.

Kansas[1] require the licensing of all boarding-homes for children; while Massachusetts,[2] Minnesota,[3] Missouri,[4] New Hampshire,[5] and Pennsylvania[6] are authorized to license only boarding-homes which care for infants. Associations placing children in family homes must be licensed in Georgia[7] and Utah.[8] In Iowa,[9] Maine,[10] Nebraska,[11] New York,[12] and Vermont[13] both boarding-homes and child-placing associations are required to secure licenses. Supervision over all organizations caring for children is exercised by a license requirement in Alabama,[14] California,[15] Connecticut,[16] Florida,[17] Illinois,[18] Indiana,[19] Maryland,[20] North Carolina,[21] North Dakota,[22] Rhode Island,[23] Texas,[24] Virginia,[25] and Wisconsin,[26] and by a certification re-

[1] *Kansas Laws*, 1919, chap. 210, p. 285 (the Board of Health administers in connection with the licensing of maternity homes).

[2] *Massachusetts General Laws*, 1921, chap. 119, secs. 1–8.

[3] *Minnesota General Statutes*, 1923, chap. 25, sec. 4570.

[4] *Missouri Laws*, 1921, p. 190.

[5] *New Hampshire Public Laws*, 1926, chap. 113, p. 416.

[6] *Pennsylvania Laws*, 1925, No. 155, p. 234.

[7] *Georgia Laws*, 1922, No. 521, p. 72 (license is secured from the Superior Court judge and not from the central authority).

[8] *Utah Laws*, 1924, chap. 59, p. 124 (the State Board of Health administers the law; Utah has no central authority for public welfare).

[9] *Iowa Laws*, 1925, chap. 78, p. 67; 1929, chap. 91, p. 129; and 1925, chap. 80, sec. 2, p. 71.

[10] *Maine Laws*, 1929, chap. 53, p. 41.

[11] *Nebraska Laws*, 1919, Div. X, chap. 190, p. 434 (part of the maternity homes and hospitals act); 1919, Div. XI, secs. 1–7; *Compiled Statutes*, 1922, sec. 1186.

[12] *New York Laws*, 1924, chap. 437; *Consolidated Laws* (Cahill), 1928 *Supplement*, chap. 56, art. 16, pp. 899–903.

[13] *Vermont Laws*, 1919, No. 208, p. 217.

[14] *Alabama Code*, 1923, art. 1, secs. 111–14; art. 2.

[15] *California Statutes*, 1927, ch. 510, p. 856.

[16] *Connecticut Acts*, 1917, chap. 270, p. 2414; 1921, chap. 307, sec. 3, p. 3325.

[17] *Florida Laws*, 1927, chap. 12288, sec. 5, p. 1210.

[18] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 23, sec. 5(F); chap. 38, secs. 112–21; chap. 127, sec. 53.

[19] *Indiana Statutes*, 1926, secs. 9889–9903.

[20] *Maryland Laws*, 1927, chap. 632, p. 1268.

[21] *North Carolina Laws, Consolidated Statutes*, 1919, sec. 5067.

[22] *North Dakota Laws*, 1923, chap. 150, p. 140.

[23] *Rhode Island Acts and Resolves*, 1926, chap. 836, p. 249; chap. 847, p. 279.

[24] *Texas Laws*, 1929, chap. 204, p. 444 (administered by the Board of Health).

[25] *Virginia Acts*, 1922, chap. 103, p. 152.

[26] *Wisconsin Statutes*, 1929, sec. 46.16.

quirement in Minnesota,[1] Ohio,[2] South Dakota,[3] Tennessee,[4] West Virginia,[5] and Wyoming.[6]

Maternity homes and hospitals are to be licensed by the state board of health in California,[7] Colorado,[8] Idaho,[9] Kansas,[10] Maine,[11] Ohio,[12] South Dakota,[13] Texas,[14] and Wisconsin,[15] and by the central authority in Alabama,[16] Florida,[17] Illinois,[18] Indiana,[19] Iowa,[20] Maine,[21] Massachusetts,[22] Michigan,[23] Minnesota,[24] Missouri,[25] Nebraska,[26] New Hampshire,[27] North Dakota,[28] Oregon,[29] Pennsylvania,[30] Tennessee,[31] and Virginia.[32] Local authorities issue

[1] *Minnesota General Statutes*, 1923, chap. 25, sec. 4567.

[2] *Ohio Code* (Throckmorton), 1929, sec. 1352–1.

[3] *South Dakota Laws*, 1915, chap. 119, sec. 19, p. 275.

[4] *Tennessee Code* (Shannon), 1917, sec. 4436*a*7–13.

[5] *West Virginia Proposed Code*, 1925, chap. 49, art. 3, sec. 23.

[6] *Wyoming Compiled Statutes*, 1920, sec. 3901(6).

[7] *California Statutes*, 1925, chap. 316, p. 536.

[8] *Colorado Laws*, 1925, chap. 133.

[9] *Idaho Laws*, 1921, chap. 57, p. 101.

[10] *Kansas Laws*, 1919, chap. 210, secs. 1–2, p. 284.

[11] *Maine Laws*, 1921, chap. 86, p. 97.

[12] *Ohio Laws*, 1919, secs. 6259, 6262.

[13] *South Dakota Laws*, 1925, chap. 220, sec. 2, p. 238.

[14] *Texas Revised Civil Code*, 1925, art. 442.

[15] *Wisconsin Statutes*, 1929, chap. 48, sec. 48.43.

[16] *Alabama Code*, 1923, art. 3, p. 528.

[17] *Florida Laws*, 1927, chap. 12288, p. 1210.

[18] *Illinois Laws*, 1915, p. 254.

[19] *Indiana Laws*, 1919, chap. 190, p. 758.

[20] *Iowa Laws*, 1925, chap. 79, secs. 3–6, p. 68.

[21] *Maine Revised Statutes*, 1916, chap. 64, sec. 58.

[22] *Massachusetts General Laws*, 1921, chap. 111, secs. 71–73.

[23] *Michigan Compiled Laws*, 1915, chap. 208, secs. 10881–88.

[24] *Minnesota General Statutes*, 1923, chap. 25, secs. 4550–59.

[25] *Missouri Laws*, 1921, p. 470.

[26] *Nebraska Laws*, 1919, Div. X, chap. 190, p. 434.

[27] *New Hampshire Public Laws*, 1926, chap. 114, p. 420.

[28] *North Dakota Laws*, 1923, chap. 150, p. 140 (part of the general child welfare law).

[29] *Oregon Laws* (Olson), 1920, sec. 9824 (Child Welfare Commission issues the license).

[30] *Pennsylvania Laws*, 1929, No. 473, p. 1561.

[31] *Tennessee Code* (Shannon), 1917, secs. 4436*a*14–18.

[32] *Virginia Acts*, 1922, chap. 486.

such licenses in Connecticut,[1] Georgia,[2] Kentucky,[3] and New York.[4]

Private homes and hospitals for the insane are required to obtain licenses in California,[5] Illinois,[6] Maine,[7] Massachusetts,[8] New Hampshire,[9] New Jersey,[10] New York,[11] Pennsylvania,[12] Tennessee,[13] Vermont,[14] and West Virginia.[15] This form of supervision over the aged is extended to boarding-homes in Connecticut[16] and Massachusetts[17] and to institutions in California,[18] New York,[19] and Rhode Island.[20]

The requirement that regular reports be submitted may serve both as a publicity and checking provision. It may involve only a statistical account of persons served; or it may include also a financial statement and, even as in Oregon and Tennessee, a report on the "number and kind of workers employed." Of the states requiring inspection and certification or licensing for all classes of dependents, Colorado,[21] Oregon,[22] and South Carolina[23] also receive regular re-

[1] *Connecticut General Statutes*, 1918, sec. 3023. [2] *Georgia Laws*, 1922, No. 521, p. 72.

[3] *Kentucky Statutes* (Carroll), 1930, secs. 2090–95.

[4] *New York Consolidated Laws* (Cahill), 1923, chap. 41, sec. 482.

[5] *California Statutes*, 1925, chap. 62, pp. 146–47 (obtained from the Commission in Lunacy).

[6] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 23, sec. 5(F)6.

[7] *Maine Laws*, 1929, chap. 137, p. 100 (obtained from the governor and council).

[8] *Massachusetts General Laws*, 1921, chap. 23, sec. 33 (includes institutions for the insane, feeble-minded, and epileptic).

[9] *New Hampshire Laws*, 1917, chap. 103, p. 591 (State Board of Health issues the license).

[10] *New Jersey Compiled Statutes*, 1709–1910, secs. 107–16, pp. 3202–3.

[11] *New York Consolidated Laws* (Cahill), 1923, chap. 29, sec. 59; chap. 41, sec. 1122; 1928 *Supplement*, chap. 56-*a*, sec. 361.

[12] *Pennsylvania Laws*, 1923, art. ii, sec. 201, p. 998; 1929, No. 175, sec. 2308, p. 294.

[13] *Tennessee Code* (Shannon), 1917, secs. 2677*a*1–4 (license is obtained from the county clerk, not from the central authority).

[14] *Vermont Laws*, 1917, chap. 189, sec. 4350, p. 733; 1923, No. 7, sec. 30(6), p. 14.

[15] *West Virginia Proposed Code*, 1925, chap. 27, art. 7 (a permit is required).

[16] *Connecticut General Statutes*, 1918, sec. 1869.

[17] *Massachusetts Acts*, 1929, chap. 305, p. 312.

[18] *California Statutes*, 1927, chap. 510, p. 856.

[19] *New York Consolidated Laws* (Cahill), 1923, chap. 56, art. 17, sec. 321 (Department of Mental Hygiene issues the license).

[20] *Rhode Island Acts and Resolves*, 1929, chap. 1413, secs. 1–5, pp. 305–7.

[21] *Colorado Compiled Laws*, 1921, sec. 534.

[22] *Oregon Laws* (Olson), 1920, 985, sec. 9; Vol. III, chap. L, 4356, secs. 13, 8447, 9841.

[23] *South Carolina Code*, 1922, Vol. II, chap. 26.

ports. Iowa[1] asks for an annual report to the secretary of state from all organizations soliciting public funds; Georgia[2] and Massachusetts[3] call for regular reports; and Louisiana[4] desires annual lists of the membership of charitable societies filed with the secretary of state.

Children's organizations again are more frequently required to report than are associations for the care of other groups. The central authority has power to require and often to prescribe the form and content of such reports in Alabama,[5] Connecticut,[6] Florida,[7] Minnesota,[8] Missouri,[9] North Carolina,[10] Ohio,[11] Pennsylvania,[12] Rhode Island,[13] Tennessee,[14] Texas,[15] Virginia,[16] West Virginia,[17] and Wyoming.[18] South Dakota[19] requests reports from societies receiving children from the juvenile courts; Michigan[20] asks incorporated institutions for dependent children to report annually to the secretary of state; and Iowa,[21] Nebraska,[22] New Hampshire,[23] and Utah[24] limit reports required by the central authority to child-placing agencies.

[1] *Iowa Laws*, 1921, chap. 59, p. 54.

[2] *Georgia Laws*, 1919, No. 186, sec. 7.

[3] *Massachusetts General Laws*, 1921, chap. 180, sec. 12.

[4] *Louisiana Laws*, 1924, No. 2, p. 4.

[5] *Alabama Code*, 1923, secs. 104(9), 111, 118.

[6] *Connecticut Laws*, 1921, chap. 307, sec. 4, p. 3326.

[7] *Florida Laws*, 1927, chap. 12288, sec. 9.

[8] *Minnesota Laws*, 1917, chap. 212, p. 301.

[9] *Missouri Laws*, 1921, p. 190.

[10] *North Carolina Consolidated Statutes*, 1919, sec. 5006(4).

[11] *Ohio Code* (Throckmorton), 1929, sec. 1352-1.

[12] *Pennsylvania Laws*, 1921, No. 425, sec. 23, p. 1144.

[13] *Rhode Island Acts and Resolves*, 1926, chap. 836, p. 249; 1929, chap. 1417.

[14] *Tennessee Code* (Shannon), 1917, secs. 4436*a*33–35.

[15] *Texas Laws*, 1929, chap. 204, sec. 4, p. 444.

[16] *Virginia Acts*, 1922, chap. 103, p. 152.

[17] *West Virginia Proposed Code*, 1925, chap. 49, art. 3, sec. 23.

[18] *Wyoming Compiled Statutes*, 1920, sec. 3905.

[19] *South Dakota Laws*, 1915, chap. 119, sec. 19, p. 275.

[20] *Michigan Compiled Laws*, 1915, chap. 207, sec. 10837.

[21] *Iowa Laws*, 1925, chap. 80, sec. 5, p. 71 (all institutions receiving children from a juvenile court also report annually: *Iowa Code*, 1927, sec. 3656).

[22] *Nebraska Compiled Statutes*, 1922, secs. 8266-67.

[23] *New Hampshire Public Laws*, 1926, chap. 109, sec. 11, p. 405.

[24] *Utah Laws*, 1924, chap. 59, sec. 3, p. 124.

In Oregon[1] and Tennessee[2] both public and private organizations must conform their records to the fiscal year of the state. The Wisconsin maternity act has the provision that any unmarried patient in a maternity ward or hospital is to be reported by registered mail to the Board of Control within twenty-four hours; and the same law forbids child-placing by such an institution.[3]

Regular reports from private institutions caring for the insane are mandatory in Illinois,[4] Minnesota,[5] New York,[6] Pennsylvania,[7] Wisconsin,[8] and may be required in Colorado.[9] Boarding-homes in Connecticut[10] and all institutions in Rhode Island[11] caring for aged people are required to make reports to the central authority.

Not many states as yet require the approval of the organization's charter by the state authority. Massachusetts,[12] New Jersey,[13] New York,[14] and South Carolina[15] do this for organizations caring for all types of dependents; and in Pennsylvania[16] the department passes on the charter, but it may be granted in spite of a negative decision.

In Illinois,[17] Indiana,[18] Minnesota,[19] Ohio,[20] Oregon,[21] South Dakota,[22] Tennessee,[23] West Virginia,[24] and Wyoming[25] charters for children's organizations are passed on. The corporate name and

[1] *Oregon Laws* (Olson), 1920, sec. 9841.
[2] *Tennessee Code* (Shannon), 1917, sec. 4436*a*34.
[3] *Wisconsin Statutes*, 1929, sec. 58.05.
[4] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 23, sec. 28.
[5] *Minnesota Statutes*, 1923, sec. 4527.
[6] *New York Consolidated Laws* (Cahill), 1928 *Supplement*, chap. 36-*a*, sec. 21.
[7] *Pennsylvania Laws*, 1921, No. 425, sec. 23, p. 1144.
[8] *Wisconsin Statutes*, 1929, sec. 58.05(5).
[9] *Colorado Compiled Laws*, 1921, sec. 1063.
[10] *Connecticut General Statutes*, 1918, sec. 1869.
[11] *Rhode Island Acts and Resolves*, 1929, chap. 1413, sec. 3, p. 307.
[12] *Massachusetts General Laws*, 1921, chap. 180.
[13] *New Jersey Acts*, 1914, chap. 97, p. 152.
[14] *New York Laws*, 1928, chap. 859, sec. 19. [15] *South Carolina Code*, 1922, sec. 4355.
[16] *Pennsylvania Laws*, 1917, No. 379, p. 1120.
[17] *Illinois Revised Statutes* (Smith-Hurd), 1929, sec. 208.
[18] *Indiana Statutes*, 1926, sec. 1718.
[19] *Minnesota Laws*, 1929, chap. 105, p. 102 (child-placing agencies only).
[20] *Ohio Code* (Throckmorton), 1929, sec. 1352-2.
[21] *Oregon Laws* (Olson), 1920, secs. 9819, 9821.
[22] *South Dakota Laws*, 1915, chap. 119, sec. 20, p. 275.
[23] *Tennessee Code* (Shannon), 1917, secs. 4436*a*10–11.
[24] *West Virginia Proposed Code*, 1925, chap. 49, art. 3, sec. 24.
[25] *Wyoming Compiled Statutes*, 1920, sec. 3901.

purposes must be published weekly for four weeks in Georgia[1] before the county court will approve the application. In West Virginia,[2] private hospitals for the insane and feeble-minded must be approved.

Of the eight states remaining which have not been mentioned as having any form of state supervision of private charities, Arizona, Delaware, Kentucky, and New Mexico set up certain requirements, to be discussed presently,[3] for organizations receiving aid from public funds. Of the others, Arkansas,[4] Nevada,[5] and Washington[6] have a provision often found in juvenile court laws, permitting the judge to appoint a board of visitation for those organizations to which children are committed. Mississippi has neither local nor state supervision.

To summarize these statements, supervision in one or more forms for all classes of dependents is authorized by the statutes of Colorado, Georgia, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Virginia, Vermont, and Wisconsin. More extensive, however, is the supervision of children's organizations, which is a responsibility assigned in thirty-nine states. They are, in addition to the foregoing, Alabama, California, Connecticut, Florida, Illinois, Indiana, Idaho, Kansas, Missouri, Minnesota, Montana, Nebraska, New Hampshire, North Carolina, Rhode Island, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming.

Of the others, Arizona, Delaware, Kentucky, and New Mexico interest themselves in organizations receiving state aid; Arkansas, Nevada, and Washington authorize some form of county supervision; but Mississippi has as yet undertaken no supervision of private charities.

For the protection of those suffering from mental disease, Illinois,

[1] *Georgia Code*, 1926, sec. 2845.

[2] *West Virginia Proposed Code*, 1925, chap. 27, art. 7. [3] See below, pp. 46–48.

[4] *Arkansas Digest of the Statutes* (Kirby and Castle), 1916, sec. 1585. Arkansas has a rather curious provision, similar to one found in Alabama (*Code*, 1923, sec. 1490) and in Georgia (*Laws*, 1916, No. 548, p. 126), making "every private and public hospital, reformatory home, house of detention, convent, asylum, sectarian seminary, school or institution" open to inspection of the sheriff, the grand jury, or any person appointed by the circuit court judge of the district. The purpose of the law is stated as being "to afford every person within the confines of said institutions the fullest opportunity to divulge the truth as to their detention therein. . . . ." *Ibid.*, sec. 4657, p. 1142.

[5] *Nevada Statutes*, 1919, chap. 24, p. 36.

[6] *Washington Compiled Statutes* (Remington), 1922, sec. 1987.

New York, and Pennsylvania require inspection, licensing, and regular reports from hospitals and sanitariums caring for the insane; while inspection and licensing are part of the program in California, Maine, Massachusetts, New Hampshire, New Jersey, Vermont, and West Virginia. Supervision is limited to inspection in Iowa, Michigan, and Rhode Island, and to periodic reporting in Colorado, Minnesota, and Wisconsin.

Supervision of homes for the aged and infirm is dawning, with six states specifically providing for it by statute—California, Connecticut, Massachusetts, Michigan, New York, and Rhode Island, which took action as recently as 1929.

Attention should again be called to the fact that the foregoing description of state supervision of private charities is taken entirely from the statutes, which show only what should or may be set up. Excellent statutory provision may be nullified by the veto of an appropriation or failure to appropriate, as has happened in South Carolina, the only state requiring all forms of supervision for all associations, where the governor in 1927[1] vetoed the appropriation for the Board of Public Welfare and no further appropriations have been secured. A similar situation has existed in Colorado since 1927, where only nominal appropriations for clerk hire have been made for the Department of Public Welfare.

The effectiveness of supervision is also dependent upon the knowledge, ability, and vision of the public officials intrusted with its administration; and statutory provisions for raising the standards of work of private organizations are futile unless the public officials are skilful enough to apply them. Georgia,[2] Oregon,[3] South Carolina,[4] Tennessee,[5] West Virginia,[6] and Wyoming[7] have offered opportunity

[1] *South Carolina Acts*, 1927, pp. 401, 427. The child-placing bureau was transferred to the State Board of Health in 1928; and was made an independent body in 1930; *Acts*, 1928, No. 196, p. 359; *Acts*, 1930, No. 823, p. 1374.

[2] *Georgia Laws*, 1919, No. 186, sec. 6.

[3] *Oregon Laws* (Olson), 1920, sec. 9839.

[4] *South Carolina Code*, 1922, sec. 984.

[5] *Tennessee Code* (Shannon), 1917, sec. 4436a29. The section further states in regard to compulsory visitation and inspection: "The principal purpose of such visitation shall not be to present official demands for adherences to the provision of the law, but to offer friendly counsel on child welfare problems and advice concerning progressive methods and the improvement of the service rendered."

[6] *West Virginia Proposed Code*, 1925, chap. 49, art. 3, sec. 23.

[7] *Wyoming Compiled Statutes*, 1920, sec. 3904(2).

for such service to children's organizations by instructing the central authority to furnish advice, suggestions, or literature in order to bring the work of the agency to a "high and modern standard"—devices which well-qualified public officials would use probably without such authorization, especially since many of them are empowered to make rules and regulations. Occasionally a statute furthers the professional preparation of the public official by authorizing the expenditure of funds for attendance at "social service and similar conventions."[1]

Public Aid to Private Charities

The third phase of the relationship between public authorities and private agencies is marked by payments from the public treasury for the support of privately managed charities. The policy varies so much from state to state and is so divergent that an accurate statement is difficult to formulate. Certain features, however, such as (1) constitutional provisions forbidding or limiting state aid, (2) the form the subsidy takes, (3) the degree of control exercised over those organizations aided, and (4) state authorization of local aid, can be distinguished and will give an impression of the general trends in the practice.

More than half the states (twenty-six) have placed in their constitutions a limitation upon state grants to privately managed charities. Those with one or more absolute prohibitions governing appropriations from the state, county, or municipality are Arizona,[2] Colorado,[3] Missouri,[4] Montana,[5] Texas,[6] and Wyoming.[7] This has not prevented the legislature, however, from authorizing the county to contract with private institutions for the care of children in Arizona[8] and of the sick in Texas.[9] New Mexico[10] forbids appropria-

[1] For example, *North Carolina Consolidated Statutes*, 1919, sec. 5006(11).

[2] *Arizona Constitution* (1910), art. ix, sec. 7.

[3] *Colorado Constitution* (1876), art. ix, sec. 7; art. v, sec. 34; art. xi, sec. 2.

[4] *Missouri Constitution* (1875), art. ix, sec. 46.

[5] *Montana Constitution* (1889), art. v, sec. 35.

[6] *Texas Constitution* (1876), art. iii, secs. 51, 52.

[7] *Wyoming Constitution* (1889), art. i, sec. 19; art. iii, sec. 36.

[8] *Arizona Revised Code*, 1928, sec. 1946.

[9] *Texas Revised Civil Code*, 1925, arts. 4437, 4491.

[10] *New Mexico Constitution* (1911), art. iv, sec. 31.

tions but permits the legislature in its discretion to continue aiding the thirteen hospitals and institutions which received grants in 1909—and this it has done.

The constitutional limitation most frequently adopted is that forbidding grants to sectarian or religious associations, which occurs in Florida,[1] Illinois,[2] Maryland,[3] Minnesota,[4] New Hampshire,[5] Nevada,[6] Oklahoma,[7] South Dakota,[8] and Utah.[9] In California[10] such a provision is modified by another[11] authorizing aid to institutions for children and the aged if granted by a uniform rule and proportioned to the number of inmates in the institution. A similar exception is made in Virginia in favor of non-sectarian institutions "for the reform of youthful criminals"; and there also the legislature may authorize local jurisdictions to make appropriations to sectarian associations.

In New Jersey[12] the constitution prohibits appropriations in aid of any private corporation; but the court has ruled that the payment of a recognized moral obligation assumed for services rendered on request is within the legislative power to authorize, and does not violate this provision, giving considerable leeway in the matter.[13] A similar prohibition in Kentucky[14] has been interpreted in the same way.[15]

Massachusetts[16] in 1917 adopted an amendment to the constitution forbidding aid except for the Soldiers' Home or for "ordinary and reasonable compensation" for services rendered in the care of indigent deaf, dumb, blind in hospitals, infirmaries, or institutions.

[1] *Florida Constitution* (1885), *Declaration of Rights*, sec. 6.
[2] *Illinois Constitution* (1870), art. viii, sec. 3.
[3] *Maryland Constitution* (1851), art. i, sec. 58.
[4] *Minnesota Constitution* (1858), art. i, sec. 16.
[5] *New Hampshire Constitution*, 1792, art. 83 (insert of 1877).
[6] *Nevada Constitution* (1864), art. xi, 362, sec. 10.
[7] *Oklahoma Constitution* (1907), art. ii, sec. 5.
[8] *South Dakota Constitution* (1927), art. 6, sec. 3; art. 8, sec. 6.
[9] *Utah Constitution* (1895), art. i, sec. 4.
[10] *California Constitution* (1879), art. iv, sec. 30. [11] *Ibid.*, sec. 22.
[12] *New Jersey Constitution* (1844), art. i, pars. 19, 20.
[13] *Morris and Essex Railroad Co.* v. *Newark* (1908), 76 N.J. 555.
[14] *Kentucky Constitution* (1891), sec. 177.
[15] *Hager, Auditor*, v. *Kentucky Children's Home Society* (1904), 119 Ky. 235.
[16] *Massachusetts Constitution* (1917), art. xlvi, secs. 2, 3.

Certain states authorize payments from public funds only upon approval of two-thirds of the elected members of the legislature. Alabama,[1] Michigan,[2] and Mississippi[3] have such a provision, the Mississippi clause in addition prohibiting absolutely any grants for a sectarian use.

Although New York forbids appropriations for private purposes without two-thirds vote of the legislature,[4] another section adds that the legislature may make such provision for the education and support of the blind, deaf, dumb, and juvenile delinquents as it deems proper, and that any local jurisdiction may provide for care of dependent and delinquent children in public or private institutions.[5] Payments by local authorities to private charitable organizations may be authorized but not required by the legislature, and must be in accordance with rules governing the reception and retention of inmates as established by the State Board of Charities, subject to control of the legislature by general laws.[6]

The Pennsylvania constitution requires a vote of two-thirds of the members of the legislature for appropriations to private charitable institutions[7] but forbids absolutely appropriations to sectarian associations and persons or communities except for pensions or gratuities for military service[8] or except to institutions for the support of widows or orphans of soldiers.[9] This has not prevented extensive subsidizing, however.

The form in which state aid is given may be (1) a lump sum appropriation directly to a specific organization, (2) appropriations to designated organizations to be allowed on a per capita basis, according to number of indigents served, or (3) appropriations to be expended on a per capita service basis for dependents cared for in certain classes of institutions. Of these, the lump-sum subsidy is undoubtedly the most undesirable, leading oftentimes to uncon-

[1] *Alabama Constitution* (1901), art. iv, sec. 73.
[2] *Michigan Constitution* (1908), art. v, sec. 24.
[3] *Mississippi Constitution* (1890), art. iv, sec. 66.
[4] *New York Constitution* (1894), art. iii, sec. 20.
[5] *Ibid.*, art. viii, sec. 14.
[6] *Ibid.*
[7] *Pennsylvania Constitution* (1873), art. iii, sec. 17.
[8] *Ibid.*, sec. 18. [9] *Ibid.*, sec. 19.

trolled expenditures and to increasingly large demands upon the public treasury. Attempts at regulation have led to the per capita plan of allowance based on the amount of service rendered those who might become state charges. A fourth arrangement is becoming discernible, namely, appropriations made for the care of certain classes of dependents, to be expended where and how the central authority deems desirable and proper.

Twenty-four states in 1929 were found to have appropriated public funds in one or more of these ways. The states making lump-sum appropriations are given in Table I.

The number of organizations and amounts allowed are great in Connecticut, Delaware, Maryland, and Pennsylvania, all of which give per capita grants as well. As is usual, the institutions most frequently favored are those for the sick and for children, half of the states making donations for the latter. A less customary appropriation is to travelers' aid societies, nine of which Virginia aided.

In Table II are presented the states making appropriations in 1929 on a per capita basis.

Although Connecticut, Maryland, Mississippi, New York, North Dakota, and Pennsylvania made appropriations for specific institutions, the rate of payment is fixed for the most part by statute. A general law in Connecticut limits the amount to be paid a hospital to $4.00 a week except for contagious disease patients or when, because greater care is required, a larger weekly compensation is agreed upon by the comptroller on behalf of the state.[1]

Pennsylvania, which allowed three million dollars in 1929 for 164 hospitals, had no mode of administration before 1921 except that hospitals should show a deficiency in order to receive any money under their appropriation act. With the organization of a Department of Public Welfare, order was brought out of chaos by inaugurating a uniform system of cost accounting for patient days of treatment, and placing payment on the basis of service rendered state wards, the payment to be at cost and in no event to exceed $3.00 a day.[2]

[1] *Connecticut General Statutes*, 1918, secs. 1864, 2647.

[2] Dr. Ellen Potter, "Developing Standards of Fiscal Administration in Hospitals in Pennsylvania," in "State-aided Hospitals in Pennsylvania," *Department of Welfare* (Harrisburg) *Bulletin No. 25*, 1925, pp. 6–8.

Mississippi similarly places the maximum payment at $3.00 a day, but in 1929 made the state appropriation of $106,800 to twenty-

TABLE I

STATES MAKING LUMP-SUM APPROPRIATIONS IN 1929

State	Kind of Organization	Number of Organizations	Amount Given For One Fiscal Year
Total		218	$1,923,535
Conn.[1]	Aged; deaf; prison association; humane society; crippled children	5	$172,675
Del.[2]	Children (6); aged (2); rest room (W.C.T.U.); S.P.C. animals	10	235,109
Kan.[3]	Children's homes	2	1,000
Ky.[4]	Children (2); Home for Incurables; Red Cross (colored) hospital	4	135,000
La.[5]	Hospital and orphanage	2	7,500
Me.[6]	Aged; blind; sick	7	6,800
Md.[7]	Hospital; child and blind	60	474,550
Mich.[8]	American Legion institutions	3	137,251
Minn.[9]	Ladies of G.A.R. Home	1	6,500
N.H.[10]	Deaf; prisoners	2	350
N.M.[11]	Hospitals (7); orphanages; relief society	11	30,200
Ore.[12]	Aged; Florence Crittendon Home	2	11,750
Pa.[13]	Children (36) and miscellaneous	79	601,850
R.I.[14]	Miscellaneous	9	25,000
Tenn.[15]	Orphanage; blind; aged	3	41,000
Utah[16]	Children; Florence Crittendon Home	7	19,250
Vt.[17]	Aged	1	5,000
Va.[18]	Travellers' Aid (9); incurables	10	12,750

[1] *Connecticut Special Acts*, 1929, No. 257, pp. 819, 821, 825.

[2] *Delaware Laws*, 1929, chap. 15, p. 167; chap. 204, p. 665. Of the total appropriation $110,000 were supplemental appropriations to three industrial schools for buildings: chap. 195, p. 656.

[3] *Kansas Laws*, 1929, chap. 47, p. 94.

[4] *Kentucky Laws*, 1928, chap. 11, p. 31; chap. 19, p. 144; chap. 125, p. 424.

[5] *Louisiana Laws*, 1928, Act 58, p. 58; Act 90, p. 92.

[6] *Maine Laws*, 1929, pp. 772–75. Of this sum, $2,000 was for repairs and equipment for two institutions.

[7] *Maryland Laws*, 1929, pp. 375–80.

[8] *Michigan Acts*, 1929, No. 285, p. 715.

[9] *Minnesota Laws*, 1929, chap. 428, sec. 3, p. 666.

[10] *New Hampshire Laws*, 1929, chap. 192, pp. 223, 226.

[11] *New Mexico Laws*, 1929, p. 390.

[12] *Oregon Laws*, 1929, chap. 482, p. 768.

[13] *Pennsylvania Appropriations*, 1929, pp. 38–151.

[14] *Rhode Island Laws*, 1929, pp. 222–29.

[15] *Tennessee Public Acts*, chap. 106, pp. 362–63.

[16] *Utah Laws*, 1929, chap. 100, p. 201.

[17] *Vermont Laws*, 1929, sec. 52, p. 49.

[18] *Virginia Acts*, 1928, pp. 497, 499.

four hospitals contingent upon counties and cities also aiding their local hospitals to the extent of $32,500.

Maryland in the 1929 appropriations to thirty-two hospitals varied the rate for each from $0.50 to $1.76 a day. New York, likewise, allowed from $1.50 a day to $600 a year to certain institutions for the education of the deaf, dumb, blind, and physically handicapped children. The appropriation is administered by the State Department of Education.

TABLE II

STATES MAKING APPROPRIATIONS ON A PER CAPITA BASIS, 1929

State	Kind of Organization	Amount Given For One Fiscal Year
Total..	.....	$5,562,929
Conn.[1]	Wayward girls; hospitals (35).....	$ 416,750
Del.[2]	Deaf; dumb; blind; idiotic.....	20,000
Me.[3]	Sick; children; miscellaneous.....	216,550
Md.[4]	Sick (32 hospitals).....	315,550
Miss.[5]	Sick (24 hospitals).....	106,800
N.Y.[6]	Deaf; dumb; blind.....	948,229
N.H.[7]	Sick (tuberculous).....	10,000
N.D.[8]	Children and wayward girls.....	15,000
Ore.[9]	Children and wayward girls.....	197,000
Pa.[10]	Sick (164 hospitals).....	3,144,050
Vt.[11]	Insane.....	108,000
W.Va.[12]	Sick and wayward girls.....	65,000

[1] *Connecticut Special Acts*, 1929, No. 257, p. 821. The House of the Good Shepherd and Florence Crittendon Home are allowed $6.50 a week for each girl: *Acts*, 1919, p. 3010.

[2] *Delaware Laws*, 1929, p. 166; *Revised Code*, 1915, secs. 2585–91.

[3] *Maine Laws*, 1929, pp. 451, 677, 772. An appropriation of $160,000 is for patients in both public and private hospitals.

[4] *Maryland Laws*, 1929, pp. 377–79.

[5] *Mississippi Laws*, 1928, pp. 318–23.

[6] *New York Laws*, 1929, chap. 84, p. 193; *Consolidated Laws* (Cahill), 1923, chap. 15, sec. 976; *Laws*, 1926, chap. 817, p. 1482.

[7] *New Hampshire Laws*, 1929, chap. 232, p. 252.

[8] *North Dakota Laws*, 1929, chap. 47, p. 5152.

[9] *Oregon Laws*, 1929, chap. 482, p. 768.

[10] *Pennsylvania Appropriation Acts*, 1929, pp. 38–155.

[11] *Vermont Laws*, 1929, No. 31, sec. 11; 1919, No. 108, p. 113 (authorization).

[12] *West Virginia Acts*, 1929, pp. 349, 351.

Delaware, Maine, New Hampshire, Oregon, and West Virginia made appropriations for certain classes of institutions caring in Delaware for the deaf, blind, and idiotic; in Maine, New Hampshire, and West Virginia, for the sick; and in Oregon, for children and wayward girls. In each state a central authority was responsible for administering the fund; and in all except Oregon and Maine, where $2.50 a

day per patient was specified, the amounts to be allowed per capita were left to administrative discretion.

Oregon gave lump-sum subsidies until 1917, when the legislature abolished all payments to private institutions;[1] but subsidies were restored again in 1919 on a per capita plan, allowing $16 and $20 a month for the care of children and wayward girls in institutions certified by the State Board of Health and the Child Welfare Commission.[2] An amendment in 1920 makes any organization receiving a direct and specific appropriation ineligible to state aid on the other basis at the same time.[3]

Mention should also be made of several states not making a special appropriation apart from a fund in aid of needy or dependent children in their own homes or in institutions. The most important of these is California, which allows $120 a year to every institution and to every county, city, or town maintaining a dependent child or one whose father is incapacitated for gainful work by permanent physical disability or tuberculosis. An equal amount may be paid by the city or county for the child in an institution or in a private home.[4] To be eligible for such aid, however, a child must have lived in the state for at least two years[5] and must have been in the institution for one year, after which payment is retroactive,[6] except that foundlings are supported by the state at the rate of $15 a month until two years of age.[7]

Arizona likewise authorizes the State Welfare Board to place children in foster-homes or to contract with non-sectarian institutions, the rate to be fixed by the Board.[8]

Arkansas,[9] Ohio,[10] and California[11] specifically authorize a central authority (a commission in Arkansas, the Department of Public

[1] *Oregon Laws*, 1917, chap. 339, p. 712.

[2] *Ibid.* (Olson), 1920, secs. 8432, 8442; *Laws*, 1927, chap. 399.

[3] *Ibid.*, *Laws* (Special Session), 1920, chap. 45, p. 82.

[4] *California Statutes* (*Political Code*), 1921, sec. 2283, p. 1687.

[5] *Ibid.*, 1923, sec. 2289, p. 148.

[6] *Ibid.*, 1921, p. 1687.

[7] *Ibid.*, sec. 2290, p. 1689.

[8] *Arizona Laws*, 1921, chap. 53, sec. 7, p. 92.

[9] *Arkansas Laws*, 1929, Act 356, secs. 5, 6, p. 1448.

[10] *Ohio Laws*, 1919, sec. 1352, p. 134.

[11] *California Statutes*, 1929, chap. 752, sec. 2979*b*, p. 1430.

Welfare in Ohio, and the State Board of Health in California) to contract with hospitals, institutions, or agencies for treatment of physically handicapped children, though in California the expense is borne by the county.

Privately managed institutions in the process of becoming publicly controlled are illustrated by the Bath Military and Naval Orphans' Home in Maine, which was made a state institution in 1929 with three trustees selected by the association formerly in control and four appointed by the governor, the support of the institution to come jointly from trust funds and state appropriation.[1]

The Arkansas Children's Home and Hospital was designated an official state institution in 1929, and an appropriation made toward its support but without provision for state representation in its management.[2]

Most states set up certain requirements or conditions to which the organization receiving aid must conform. These fall in general into two groups: requirements relating to state inspection and to financial reports.

In Arizona,[3] Connecticut,[4] Delaware,[5] Kansas,[6] Kentucky,[7] Maine,[8] Maryland,[9] Missouri,[10] Montana,[11] New Jersey,[12] Oregon,[13] and Pennsylvania[14] all organizations receiving state aid are subject to visitation and inspection by the central authority. The governor may order an investigation in Georgia[15] and Virginia,[16] and California[17]

[1] *Maine Laws*, 1929, p. 688; chap. 254, p. 214.
[2] *Arkansas Acts*, 1929, No. 50, p. 100; No. 361, p. 1461.
[3] *Arizona Laws*, 1921, chap. 53, sec. 8, p. 92.
[4] *Connecticut General Statutes*, 1918, sec. 1873, p. 596.
[5] *Delaware Laws*, 1919, sec. 1004, p. 140.
[6] *Kansas Laws*, 1915, chap. 44, p. 60.
[7] *Kentucky Acts*, 1920, chap. 7, p. 9.
[8] *Maine Revised Statutes*, 1916, chap. 147, sec. 3, p. 1633.
[9] *Maryland Code* (Bagby), 1924, art. 88A, sec. 4.
[10] *Missouri Revised Statutes*, 1919, sec. 12177.
[11] *Montana Revised Codes*, 1921, sec. 329.
[12] *New Jersey Laws*, 1918, chap. 147, sec. 124, p. 343.
[13] *Oregon Laws* (Olson), 1920, sec. 8434.
[14] *Pennsylvania Laws*, 1921, No. 425, sec. 9, p. 1144.
[15] *Georgia Laws*, 1919, No. 186, sec. 14, p. 227.
[16] *Virginia Acts*, 1922, chap. 105, sec. 8, p. 157.
[17] *California Constitution*, art. iv, sec. 22.

reserves the right to inquire at any time into the management of state-aided institutions. The amount to be appropriated to any one charitable organization is limited in Kansas to $500, and the institution must make an annual report to the Board of Administration.[1] In Ohio a private hospital caring for a crippled child from the Department of Public Welfare must be visited at least once a month.[2]

The requirement that the state-aided institution permit inspection of accounts, keep records on prescribed forms, and submit verified financial statements at regular intervals is quite common. California,[3] New Mexico,[4] Oregon,[5] and Pennsylvania[6] require all of these; and Delaware,[7] Kentucky,[8] Maine,[9] New Jersey,[10] and West Virginia[11] have one or more of them. The New Mexico law is particularly specific and detailed, providing that the state comptroller install a uniform accounting system in all institutions receiving state funds as well as in public institutions and state and local departments of government. In Michigan, where the American Legion conducts certain institutions for veterans, the organization must file an annual account with the secretary of state and make a report at the annual meeting of the Legion.[12]

The condition that the institution be open to state supervision and inspection and that reports, under oath, be submitted at regular intervals is attached to individual appropriations in North Dakota.[13]

The appropriations to the four institutions in Kentucky are authorized by special laws[14] requiring a bond from each institution in

[1] *Kansas Laws*, 1921, chap. 31, p. 60.

[2] *Ohio Laws*, 1919, secs. 1352–59, p. 134.

[3] *California Statutes*, 1917, p. 561, sec. 2285.

[4] *New Mexico Laws*, 1923, chap. 48, p. 80.

[5] *Oregon Laws* (Olson), 1920, sec. 9841; Special Session 1920, chap. 45, p. 82; *Laws*, 1927, chap. 399.

[6] *Pennsylvania Statutes*, 1920, secs. 2565, 2568, 2570; 1928 *Supplement*, sec. 9056*a*-8,

[7] *Delaware Laws*, 1919, sec. 1004, p. 140.

[8] *Kentucky Acts*, 1920, chap. 7, p. 9.

[9] *Maine Laws*, 1917, chap. 114, p. 87.

[10] *New Jersey Laws*, 1918, chap. 147, secs. 124, 343.

[11] *West Virginia Proposed Code* (1925), chap. 25, sec. 23.

[12] *Michigan Public Acts*, 1921, No. 316, p. 583; 1923, No. 247, p. 394.

[13] *North Dakota Laws*, 1929, chap. 46, pp. 51–52.

[14] *Kentucky Statutes* (Carroll), 1930, art. iii, sec. 331*b*-1; art. ix, secs. 331*h*-1, 2062*c*-1; chap. 68-*a*, sec. 2175*a*-1.

addition to annual, verified statements and a method of bookkeeping prescribed by the state inspector and examiner.

Connecticut in 1929 passed a uniform accounting act, requiring hospitals receiving state aid to keep their records on the forms recommended by the American Hospital Association.[1]

In Arizona[2] the Child Welfare Board must place one of its members on the board of managers of any institution with which it contracts, who thereafter exercises "controlling supervision." All boards, commissions, or societies in Wisconsin[3] supported in part by the state must report elections or appointments of officers to the secretary of state. New York[4] has the requirement that payments for inmates in an institution are contingent upon their being received and retained pursuant to rules established by the State Board of Charities, subject to general laws enacted by the legislature.

State authorization of aid from the county or city treasury, particularly for the care of the sick and children, is widespread. Reports of the amounts thus spent are not available, but in certain states they are probably large if the statutory instructions are carried out.

Cities or counties, or both, are authorized to contribute to the support of, or contract with, hospitals in Alabama,[5] Connecticut,[6] Illinois,[6a] Indiana,[7] Iowa,[8] Massachusetts,[9] Montana,[10] North Carolina,[11] Ohio,[12] Pennsylvania,[13] South Dakota,[14] Tennessee,[15] and Texas.[16] The amount which may be expended is specified in six additional states

[1] *Connecticut Acts*, 1929, chap. 277, p. 4730.
[2] *Arizona Laws*, 1921, chap. 53, sec. 7, p. 92.
[3] *Wisconsin Laws*, 1921, chap. 104, p. 168.
[4] *New York Constitution* (1894), art. viii, sec. 14.
[5] *Alabama Code*, 1923, sec. 1201.
[6] *Connecticut General Statutes*, 1918, sec. 1867; *Public Acts*, 1925, chap. 255, p. 4077.
[6a] *Illinois Laws* (Bradwell's ed.), 1889, p. 51; 1913, p. 135.
[7] *Indiana Statutes* (Burns), 1926, secs. 4326–28.
[8] *Iowa Laws*, 1921, chap. 83, p. 76.
[9] *Massachusetts Acts*, 1918, chap. 291, p. 510.
[10] *Montana Revised Codes*, 1921, secs. 4525, 4526.
[11] *North Carolina Consolidated Statutes*, 1919, sec. 7278.
[12] *Ohio Laws*, 1921, p. 77; 1923, p. 359.
[13] *Pennsylvania Laws*, 1915, chap. 237, p. 532.
[14] *South Dakota Compiled Laws*, 1929, sec. 7694-O
[15] *Tennessee Code*, 1917, art. 5, sec. 2706-A.
[16] *Texas Revised Civil Code*, 1925, arts. 4437, 4491.

(Florida,[1] Kansas,[2] Minnesota,[3] Mississippi,[4] New Jersey,[5] Vermont[6]) and ranges from a maximum county appropriation to $2,000 in Florida, with the proviso that not more than $50 be spent on one patient, one from a family, in a year, to a maximum of $250,000 a year in New Jersey, where an additional provision in 1929[7] permits counties of less than 500,000 population to appropriate one-twentieth of 1 per cent of the total tax valuation to charitable hospitals, but no one hospital to receive more than its actual deficit in operating expenses.

Local aid to institutions providing special care for sick or crippled children is authorized in Arkansas,[8] Michigan,[9] Minnesota,[10] and New Jersey.[11]

Payments to private organizations caring for children, usually made upon order of the juvenile court, are permissive in Idaho,[12] Illinois,[12a] Mississippi,[13] Pennsylvania,[14] and Washington,[15] and mandatory in Indiana,[16] Iowa,[17] Montana,[18] New Jersey,[19] New Mexico,[20] North Carolina,[21] and Utah.[22] The rate is as low as $10 a

[1] *Florida Compiled Laws*, 1927, sec. 2267.

[2] *Kansas Laws*, 1927, chap. 138, p. 181.

[3] *Minnesota Laws*, 1927, chap. 38, p. 45.

[4] *Mississippi Laws*, 1916, chap. 146, p. 203; 1926, chap. 212, p. 322; 1928, chap. 110, p. 153; 1930, chap. 33, p. 47.

[5] *New Jersey Laws*, 1914, chap. 91, p. 147; 1922, chap. 157, p. 272; 1921, chap. 81, p. 131; 1925, chap. 133, p. 205.

[6] *Vermont Laws*, 1915, No. 118, p. 203.

[7] *New Jersey Laws*, 1929, chap. 249, p. 462.

[8] *Arkansas Acts*, 1925, No. 260, p. 781.

[9] *Michigan Acts*, 1915, chap. 308, p. 553.

[10] *Minnesota Laws*, 1929, chap. 228, p. 251.

[11] *New Jersey Laws*, 1922, chap. 157, p. 274.

[12] *Idaho Compiled Statutes*, sec. 7915.

[12a] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 122, secs. 654, 669; chap. 23, sec. 196.

[13] *Mississippi Laws*, 1916, chap. 227, p. 336.

[14] *Pennsylvania Statutes*, 1924, *Supplement*, sec. 13455.

[15] *Washington Compiled Statutes* (Remington), 1922, secs. 1987, 1988.

[16] *Indiana Statutes* (Burns), 1926, sec. 4333. [17] *Iowa Code*, 1927, sec. 3676.

[18] *Montana Revised Codes*, 1921, chap. 51, sec. 12288, p. 423.

[19] *New Jersey Laws*, 1917, chap. 226, p. 776; 1919, chap. 66, p. 117; 1920, chap. 70, p. 122; 1921, chap. 35, p. 61; 1926, chap. 51, p. 90; 1928, chap. 105, p. 215.

[20] *New Mexico Compiled Statutes*, 1929, secs. 22-401, 62-301.

[21] *North Carolina Consolidated Statutes*, 1919, sec. 5052.

[22] *Utah Compiled Laws*, 1917, sec. 1843.

month in New Mexico and as high as $12 a week in New Jersey. Payment of $50 per child is permissive in Kansas,[1] and counties in Ohio[2] without children's homes may contribute not to exceed $2,500 toward land or buildings, or $500 for repairs, and such homes shall be known as "semipublic."

Provision for subsidies to charitable associations generally are found in Kansas,[3] New York,[4] Pennsylvania,[5] Tennessee,[6] and Virginia,[7] with Kansas limiting the amount to one organization to $400 a month from a county and $200 a month from a city with a population between ten and twenty-five thousand. This seems a liberal arrangement when compared with the state limit of $500 a year to one organization.[8] Tennessee provides that the total subsidy in any county shall not exceed $5,000 a year, not more than one-fifth of which may go to one institution.

An exceptional provision permitting aid to a travelers' aid society is found in Mississippi,[9] where any county having a city with a population of three thousand or more may appropriate as much as $15 a month to a non-sectarian society. In Wisconsin, a humane society may receive a maximum of $1,200 a year from all public sources in one county.[10]

A few states have special laws requiring local appropriations to specified institutions caring in Delaware[11] for children, the sick, and the poor; in Maryland[12] for the blind; in Rhode Island[13] for the sick; and in South Carolina[14] for dependent children.

[1] *Kansas Revised Statutes*, 1919, sec. 5052.

[2] *Ohio Code*, 1929, sec. 3108–1. [3] *Kansas Laws*, 1927, chap. 154, p. 197.

[4] *New York Constitution* (1894), art. viii, sec. 14.

[5] *Pennsylvania Laws*, 1917, No. 123, p. 223; 1925, No. 413, secs. 910, 1202; 1927, No. 36, p. 54.

[6] *Tennessee Acts*, 1909, chap. 567, p. 2006.

[7] *Virginia Code*, 1919, sec. 3034.

[8] *Kansas Laws*, 1921, chap. 31, p. 60.

[9] *Mississippi Laws*, 1918, chap. 205, p. 255.

[10] *Wisconsin Laws*, 1919, chap. 616, sec. 58.07.

[11] *Delaware Revised Code*, 1915, chap. 70, 2210, sec. 19; 2199, sec. 8; chap. 43, 1031, sec. 19; 1032, sec. 20; 1033, sec. 21.

[12] *Maryland Laws*, 1924, chap. 376, p. 970.

[13] *Rhode Island Acts and Resolves*, 1925, chap. 736, p. 337; 1927, chap. 1075, p. 319; chap. 1128, p. 425.

[14] *South Carolina Code*, 1922, sec. 2294, p. 681.

Payments in Delaware[1] and New York[2] to hospitals and in Missouri,[3] New Hampshire,[4] and Ohio[5] to children's institutions are made to organizations approved by the central authority.

Where the state does not exercise this supervision, the degree of control to be extended to the organizations receiving local appropriations is usually left for the board of county commissioners or city officers to establish. In Delaware,[6] Indiana,[7] Kansas,[8] Maryland,[9] Tennessee,[10] and Utah,[11] however, the law requires that regular financial statements be submitted to the local authorities; and in New Jersey the books of certain hospitals may be examined.[12]

From these varied data it may perhaps be concluded that, although state policies at the present time vary from that of granting no state or local aid to any private organization (with constitutional provision to insure the maintenance of that practice) to the use of millions of dollars to aid large numbers of private organizations—to the handicap of the state in developing public institutions, as in Pennsylvania,[13] or almost to the point of substituting the subsidized private agency for the public, as in Delaware—the tendency is gradually becoming apparent of giving a state authority greater responsibility and greater freedom in directing how and where such subsidies shall be expended, either through supervision of the institutions receiving funds or by granting to the state authority the money to be spent as it deems best for the specified purpose.

[1] *Delaware Laws*, 1921, chap. 60, p. 202.
[2] *New York Laws*, 1916, chap. 483, p. 1292.
[3] *Missouri Revised Statutes*, 1919, sec. 12180.
[4] *New Hampshire Laws*, 1917, chap. 74, p. 529.
[5] *Ohio Laws*, 1921, p. 533.
[6] *Delaware Laws*, 1921, chap. 60, p. 202.
[7] *Indiana Laws*, 1915, chap. 175, p. 643.
[8] *Kansas Laws*, 1927, chap. 154, sec. 3, p. 197.
[9] *Maryland Laws*, 1924, chap. 376, p. 970.
[10] *Tennessee Code*, 1917, sec. 2706-A5.
[11] *Utah Compiled Laws*, 1917, sec. 1847.
[12] *New Jersey Laws*, 1929, chap. 249, p. 462.
[13] Potter, *op. cit.*, p. 27.

CHAPTER III

PUBLIC REGULATION OF PRIVATE CHARITIES IN ILLINOIS

The trend generally in the United States toward increasing legislative regulation of private charities, as indicated in the preceding chapter, finds confirmation in Illinois. As early as 1869 the state declared its power to inspect all places where the insane might be confined,[1] and in 1893[2] and in 1909[3] strengthened its authority. Similarly in the case of children, regulation has been gradually extended from those institutions receiving public funds[4] to inspection and licensing of all orphanages, home-finding societies,[5] maternity hospitals,[6] and boarding-homes,[7] whether or not receiving public money. Approval of charters of such organizations before incorporation was established by the juvenile court law in 1899.[8]

The State Central Authorities, 1869–1930

In forty years Illinois has had three central authorities which have had responsibility for the supervision of the private institutions and agencies mentioned above, as well as of the public institutions. The first of these was the Board of State Commissioners of Public Charities created in 1869,[9] following the establishment of similar supervisory authorities in Massachusetts (1863) and in Ohio and New York (1867). The Illinois Board was composed of five persons appointed by the governor to serve without remuneration for five years and empowered to select a salaried secretary. Their powers of

[1] *Public Laws of Illinois*, 1869, sec. 5, p. 64.

[2] *Laws of Illinois* (Bradwell's ed.), 1893, sec. 33, p. 105.

[3] *Ibid.*, 1909, sec. 28, p. 102.

[4] *Public Laws of Illinois*, 1869, *loc. cit.;* and *Illinois Laws* (Legal News ed.), 1879, p. 137; *ibid.*, 1883, p. 133.

[5] *Illinois Laws*, 1905, p. 34; *ibid.*, 1909, p. 107, sec. 5(F), par. 5.

[6] *Ibid.*, 1915, p. 254.

[7] *Ibid.*, 1919, p. 248; *ibid.*, 1923, p. 170.

[8] *Ibid.*, 1899, sec. 14, p. 132.

[9] *Ibid.*, 1869, p. 64.

inspection, suggestion, and recommendation were unlimited, but they had almost no administrative power. A semblance of the latter was added by a statute in 1875[1] which permitted the Board to prescribe the form and to certify the accuracy of institution reports for public institutions; and by a statute in 1893[2] which empowered them to make rules and regulations concerning the licensing of all houses and places where the insane were detained. The Board has been described as

> an integral part of the charitable machinery of the State. To the Governor, the Board was a partly independent, partly subordinate investigator, counsellor, and to a minor degree, administrator. To the several State institutions it was an investigator, an official counsellor, and a minor administrative agency.[3]

The Board of State Commissioners of Public Charities was also given certain duties toward private institutions by the statute of 1869. At least twice each year they were authorized and required to visit "all the charitable and correctional institutions of the State, excepting prisons *receiving state aid*, and ascertain whether the moneys appropriated for their aid are or have been economically and judiciously expended . . . ."[4] The first Board interpreted this clause to mean besides state institutions except the penitentiary, "institutions not owned by the state, which receive any part of their income by legislative appropriation, from the state treasury."[5] The Board was further empowered to "visit and examine into the condition of each of the city and county alms or poor houses, or other place where the insane may be confined . . . ."[6] at least once each year. "Other places" were interpreted to mean county jails and private insane asylums. In addition to these supervisory powers, other duties toward private organizations, added before 1909 (when this central authority was superseded) were inspection and supervision of girls' industrial schools (1879),[7] boys' training schools

[1] *Ibid.*, 1875, sec. 28, p. 104.

[2] *Ibid.* (Bradwell's ed.), 1893, sec. 33, p. 105.

[3] C. E. Moore, "The Cost of Administration of Public Welfare in Illinois, 1904–1925" (University of Chicago unpublished Doctor's dissertation), p. 49.

[4] *Laws*, 1869, sec. 4, p. 64. A comma was apparently omitted after "prisons." The italics are the writer's.

[5] *Report of the Board of State Commissioners of Public Charities, 1870*, p. 3.

[6] *Laws*, 1869, sec. 5, p. 64.

[7] *Ibid.* (Legal News ed.), 1879, p. 137.

(1883),[1] private associations receiving children committed to them by the courts (1899),[2] and agencies and institutions placing children in foster-homes (1905).[3] The juvenile court law of 1899 also placed upon the Board the responsibility of approving the charters of associations desiring to incorporate to care for dependent, neglected, or delinquent children before the secretary of state might issue articles of incorporation.[4]

A second type of central authority, marking an advance from a supervisory board to a board of control, in 1909 replaced the Board of State Commissioners of Public Charities. This was a double-headed authority: the Board of Administration and the State Charities Commission.[5] The former was made up of five salaried persons, serving six-year terms, and not more than three belonging to the same political party. For the first time a central authority controlled the purchasing, the personnel, and the management of the seventeen state institutions, duties that had formerly been divided among seventeen local boards of trustees. In addition, the Board of Administration exercised certain supervisory powers over local public institutions and over certain private charitable organizations.

As to the private institutions and agencies, the powers of the Board extended to organizations for children, hospitals for the insane, and lying-in hospitals. Like the Commissioners of Public Charities, the Board of Administration was required to inspect and investigate children's home-finding societies and orphanages; to inquire into the merits and fitness of associations desiring to incorporate for the purpose of caring for dependent or neglected children; and to supervise children placed in foster-homes. Likewise, it was charged with the inspection and licensing of places in which nervous and mental patients were detained. The powers of inspection added at this time concerned lying-in hospitals[6] and any charitable organization appealing to the public for aid or supported by trust funds, concerning which two reputable citizens might complain.[7] To inspection of children's organizations was added certification for all

[1] *Ibid.*, 1883, p. 133. [3] *Ibid.*, 1905, p. 34. [5] *Ibid.*, 1909, p. 107.
[2] *Ibid.*, 1899, sec. 14, p. 132. [4] *Ibid.*, 1899, sec. 14, p. 132. [6] *Ibid.* (5). [7] *Ibid.* (8).

of them.[1] In 1915 the maternity hospitals act required the Board also to license hospitals caring for maternity patients.[2]

Supplementary to the Board of Administration was the State Charities Commission, a bipartisan board of five non-salaried members whose powers were wholly supervisory. This body could investigate and recommend concerning both public and private charities, but possessed no power directly to carry its suggestions into effect. A salaried secretary, assistant secretary, and inspector of institutions, all selected by civil service examinations, were employed.

The third type of central authority was created in 1917,[3] when the Illinois legislature adopted an administrative code reorganizing the state government into nine departments,[4] one of which was the Department of Public Welfare. This highly centralized type of organization provided for a director, an assistant director, an alienist, a criminologist, a fiscal supervisor, a superintendent of charities, and a superintendent of prisons, all appointed by the governor. The powers and duties vested in the former central authorities were placed in the Department of Public Welfare. The only important addition relating to duties toward private organizations since 1917 has been the boarding-home act of 1919,[5] which requires the Department annually to visit, inspect, and license any person, firm, association, or corporation maintaining a boarding-home for children.

The statute creating the Department of Public Welfare also provides for the appointment by the governor of a non-salaried, non-executive board of five persons, to be known as the Board of Public Welfare Commissioners,[6] whose members are appointed for two-year terms, thus exposing the Board to the dangers of political manipulation.

The Administration of Laws Relating to the Supervision of Private Organizations

The work of all of the state central authorities has been handicapped by lack of funds, lack of professional personnel, and in re-

[1] *Ibid.* (11).

[2] *Ibid.*, 1915, p. 254.

[3] *Ibid.*, 1917, sec. 57, par. 3, p. 27.

[4] Two more have since been added: *Laws*, 1925, p. 585.

[5] *Ibid.*, 1919, p. 248.

[6] *Ibid.*, 1917, sec. 57, p. 27.

spect to private organizations, many times by lack of authority. The efforts of the central authorities have sometimes been seriously interrupted by political disturbances when control shifted from one political party to another or when unscrupulous politicians were in office. There have also been periods of real progress under all three types of central authorities, during which intelligent, socially minded professional people have given freely of their time and thought to the improvement of the public welfare services. The supervision of private institutions and agencies, under these conditions, has been of uneven quality.

The reports of the Board of State Commissioners of Public Charities during the forty years of its existence (1869–1909) reveal considerable interest in private charities. Although at first their powers were limited to visiting institutions receiving state aid and those caring for the insane, they steadily advised extension of inspection and supervision to private hospitals and children's organizations particularly.

There were two private organizations receiving state aid when the Board of State Commissioners of Public Charities entered upon their duties in 1869; the Chicago Charitable Eye and Ear Infirmary and the Illinois Soldiers' College.[1] Originally a wholly private charity, the Eye and Ear Infirmary had had such an increase in the number of patients wishing treatment that it was unable to raise sufficient funds by subscription and had secured a legislative appropriation of $5,000 at the session of 1867 and again of 1869. In 1871 the legislature took over the Infirmary as a state institution subject to the regular supervision of the Board. This action met with the approval of the Board, who in their report to the governor at the close of 1870 had stated:

> There is no institution in the state which more manifestly fulfils the end of its existence, or which accomplishes greater good, at less cost, than this. Its management is thoroughly conscientious and painstaking. . . . . The trustees purpose introducing a bill conveying all the property of the infirmary to the state of Illinois, and making it purely a state institution. Such a bill will have the cordial support of this board.[2]

[1] For a description of the origin and development of these institutions, see below, pp. 81–85.

[2] *First Biennial Report of the Board of State Commissioners of Public Charities, Illinois, 1870*, p. 80.

The Illinois Soldiers' College was established to furnish vocational education to disabled soldiers and their sons. In 1867 it secured an appropriation of $25,000 a year, and in 1869 of $20,000 a year; but when aid was again requested in 1871 the bill failed to pass.[1]

The Board of State Commissioners reported in 1870:

> The Board of Charities never paid a visit to this institution in a body. Several of the members went at different times, singly or together. The impression made upon their minds was, that the principal, Col. Leander A. Potter, formerly a professor in the Normal University, is a very faithful and competent officer; that the teaching and discipline in the college, are better than usual in schools of its class and grade; that the financial management is thorough and economical; but that the instruction is very elementary, and, with a few exceptions, not above what could be obtained in a good district school.[2]

The report continues, "It is questionable whether the twenty-second section of article fourth of the new constitution, will admit of further appropriations to this college."[3] After the discontinuance of state aid, the college changed somewhat in its purpose. In 1873 it became "Northern Illinois College," in which in 1875 a "Ladies' Department" was opened.

For the first twenty-four years of its existence, the Board of State Commissioners of Public Charities visited, more or less regularly, two private hospitals for the insane, under authority of its power to "at least once each year, visit and examine into the condition of each of the city and county alms or poorhouses, or other places where the insane may be confined. . . ."[4] Bellevue Place, at Batavia in Kane County, was owned and managed by Dr. R. J. Patterson, formerly superintendent of the Iowa State Hospital for the Insane; and Oak Lawn Retreat, at Jacksonville, was in charge of Dr. Andrew McFarland, at one time superintendent of the Jacksonville State Hospital. The former which is still in existence has always cared for about thirty women patients; Oak Lawn Retreat cared for both men and women. The patients in both of these hospitals came largely from other states.

[1] *Senate Journal*, II, 63.

[2] *Report of the Board of State Commissioners of Public Charities, 1870*, p. 79.

[3] Sec. 22, art. iv, in the constitution of 1870 contained a prohibition against the general assembly's granting by special law to a corporation, association, or individual any special or exclusive privilege, immunity, or franchise.

[4] *Laws*, 1869, sec. 5, p. 64.

The Board's reports concerning these institutions were wholly commendatory. In 1870, concerning Bellevue Place the Board stated, "They [the commissioners] take pleasure in testifying to the general air of quiet and comfort in this institution. . . . . They recommend it to public confidence and patronage."[1] Reasons are then given why private institutions, inspected by public officials, have certain advantages over public institutions. "In these reasons, the commissioners approve of Dr. Patterson's enterprise, and would be glad to see other similar institutions spring up, as far as there may be any demand for them."[2] Again in 1880 the Board reported, "The greater portion of the patronage of these two institutions is from other states, but we take pleasure in commending them to the notice and confidence of all persons who have occasion to require their aid."[3]

As the numbers of insane increased, however, their proper care and protection in both public and private institutions became a matter of growing concern to the Board. The suggestion that private hospitals be licensed appears first in 1886 when, in urging a revision of the lunacy laws, the Board stated:

> Private institutions for the insane are . . . . not subject to direct state control. They are often the property of individuals, and are not even accountable to a Board of managers for their official conduct. They are conducted for profit . . . . , and it is conceivable that abuses might grow up in them more readily than in a public establishment. It is right and proper that whatever supervision is exercised over the state institutions by a state board of commissioners of public charities or commissioners in lunacy should be exercised over them also. Whether they should be licensed or not, is a question concerning which more or less diversity of opinion exists.[4]

After much effort a revision of the lunacy laws was secured in 1893.[5] Commitment of an insane person to a public or private institution was safeguarded by the requirement that an "inquest" be held before a county court judge, that one or more physicians serve on the jury, and that communication with friends and public authorities be permitted. The enforcement of the laws relating to the insane was intrusted to the State Commissioners of Public Charities,

[1] *Report of the Board of State Commissioners of Public Charities, 1870*, pp. 80–81.
[2] *Ibid.*
[3] *Ibid., 1880*, p. 122.
[4] *Ibid., 1886*, p. 115.
[5] *Laws* (Bradwell's ed.), 1893, p. 105.

who were given power to "make rules and regulations," with the approval of the governor and the attorney-general, concerning visitation and inspection, licensing, and reports and information to be furnished by the hospital superintendents. A license might be withdrawn by the Board with the approval of the governor and attorney-general; and in case proceedings had to be instituted, the attorney-general was to give aid and assistance.

An incident illustrates the resistance that is likely to be encountered when authority is extended over private agencies, not accustomed to public control. Oak Lawn Retreat in 1892 had forty-nine patients and was apparently treating them properly when the superintendent, Dr. Andrew McFarland[1] committed suicide, directing by will that his granddaughter, Dr. Anna McFarland, should be his successor as superintendent. Four years later the latter asked permission of the Board to transfer the license to Dr. George McFarland, a grandson of the founder. This request was in accordance with a regulation of the Board to the effect that in case of a change of management in a private hospital the Board should transfer the license in its discretion. For some reason they refused to transfer the license of Oak Lawn Retreat to Dr. George McFarland, who nevertheless continued to act as superintendent. The Board referred the matter to the attorney-general for prosecution, but no action was taken. Due to this failure, or perhaps to less interest on the part of the secretary who succeeded Mr. Wines in 1898, inspection of private hospitals lapsed. In 1906 the brief statement appears, "The board, owing to press of other work, has inspected only two private hospitals for the insane. It will extend its work as soon as practical."[2]

That inspection received little attention is evident from the fact that in 1916 an anonymous complaint from another state alleged

[1] Dr. McFarland is credited with having first suggested for Illinois the cottage plan of care for the insane, later adopted for Kankakee State Hospital. He proposed, while superintendent of the Jackson State Hospital, a plan of detached wards which so impressed Mr. F. H. Wines, the secretary of the Board of State Commissioners of Public Charities, that he devoted great effort to securing the erection of Kankakee according to that plan. *Report of the Board of State Commissioners of Public Charities, 1882*, p. 111.

[2] *Ibid., 1906*, p. 31.

that Oak Lawn Retreat, then under the direction of a layman, Mr. J. Thompson Sharpe, was operating without a license and was not caring for insane patients under proper conditions.[1] An investigating committee appointed by the Board of Administration reported that the general hospital was properly conducted but that seven mental patients were under care in an old part of the house entirely unsuited to their needs. Some of them had been there for a number of years, and all were patients for whom relatives were paying. On September 16, 1916, the board ordered Oak Lawn Retreat at once to remove these patients to public or private hospitals or return them to their relatives or guardians, and this was done.

When the Board of State Commissioners of Public Charities was replaced in 1909 by the Board of Administration and the State Charities Commission, public supervision of private hospitals for the insane was greatly strengthened by the requirement that all private hospitals treating any patients suffering from nervous or mental diseases must secure a license and furnish detailed information regarding physical equipment and medical and nursing service and, in addition, report every three months the admissions, deaths, and discharges for the preceding quarter.[2] Furthermore, the central authority was empowered to revoke any license in its discretion, and, if an order of the board were disregarded, the superintendent or the head of the hospital might be punished by fine or imprisonment.

Reports of the Board of Administration do not reveal much attention given to private hospitals. The first report states that in accordance with the law an agent of the Board (the state alienist[3]) visited all hospitals and licensed those "found worthy."[4] No other mention is made in the reports during the seven years this Board was in existence.

The State Charities Commission, however, was an efficient aid to the Board of Administration. This body devoted more time and effort to discovering the extent and practice of private philanthropy

[1] *Institutional Quarterly*, VII, No. 4 (December 31, 1916), 42.

[2] *Laws*, 1909, sec. 28, p. 120.

[3] The statement of Mr. A. L. Bowen, secretary of the State Charities Commission, 1909–16.

[4] *Report of the Board of Administration, 1910*, p. 7.

than has any public authority before or since. The *Institution Quarterly*, a quarterly publication,[1] became the medium for giving publicity to its investigations and recommendations. The Commission assumed that the statute which made "outdoor poor relief, alms houses, children's home finding societies, orphanages, and lying-in hospitals"[2] subject to investigation and inspection by the Board of Administration likewise made them subject to investigation by the Commission; and two extensive investigations of public and private indoor and outdoor charitable work in all the counties of the state were undertaken.[3]

Although the reports of the Commission do not specifically mention private hospitals for the insane, they contain many comments on public supervision of private institutions. Their attitude was that statutes were not as necessary for the regulation of private charities as was the organization of public sentiment to correct the evils that might exist. "The evils that exist in private charity are there because the local public in which they prevail has been derelict to its duty and interest or else has erred on the side of liberality."[4] The same report, however, strongly urges that all sanitariums and hospitals be made subject to state supervision:

> Two years of observation coupled with several complaints that have reached us, have raised the question in our mind whether or not the scores of private sanitariums operated by individuals, partnerships or corporations for pecuniary profit and the general hospitals with which every city and many of the smaller towns are now endowed, either as the result of public voluntary contribution or private philanthropy or a combination of both, should be supervised and inspected by a State authority. There can be little doubt such an institution conducted primarily and solely for pecuniary profit should come under State inspection.[5]

It was said that hospitals and sanitariums were often very profitable, that many of them were loosely administered, and that the equip-

[1] The *Institution Quarterly* was inaugurated by Mr. F. H. Wines in 1909, when he returned to Illinois as statistician for the Board of Administration. At his death in 1912 the State Charities Commission assumed charge, making the *Quarterly* its official organ for educational publicity.

[2] *Illinois Laws*, 1909, p. 108.

[3] See above, p. 16.

[4] *Annual Report of the State Charities Commission of Illinois, 1912*, p. 12.

[5] *Ibid.*, p. 15.

ment was oftentimes poor. They proposed the requirement of incorporation under state laws, supervision by the board, and the setting of penalties for failure to adopt recommendations designed to bring the service to a standard commensurate with the demands of health and the size of fees.

The Commission repeated their recommendations a year later, explaining that they had not meant to suggest any interference with the administration of charitable institutions maintained by churches or organizations which collected funds entirely within their own membership without the aid of the general public. They described "supervision" as follows:

> In any system of State supervision, the word supervision should not be interpreted as implying any power to enforce recommendation upon an agency or coerce it by any means to adopt policies and methods which do not appear to it to be wise. Supervision should always mean simply the right to inspect and give friendly helpful advice for the improvement of the service. State supervision may very wisely and rightfully be restricted to those agencies which go to the general public for funds.[1]

The State Charities Commission was without executive power. Its work, therefore, was largely educational and was planned to give publicity to investigations and recommendations in order to build a public opinion which would demand action.

In 1917 the Department of Public Welfare assumed the duties of the Board of Administration, and the Board of Public Welfare Commissioners took over the duties of the State Charities Commission. The Department prepared new blanks for the quarterly reports from the private hospitals for the insane and promised that "they will be inspected regularly by a representative of this department,"[2] but the reports do not show that this was done.

The Board of Public Welfare Commissioners appointed by Governor Frank Lowden (1917–21) continued the work of the State Charities Commission by making another survey in 1920.[3] All of the counties were visited and a report made of the public and private charitable organizations in each. No special mention, however, was made of private sanitariums for insane and nervous patients.

[1] *Ibid., 1913*, p. 14.

[2] *Institution Quarterly*, IX, No. 2 (June 30, 1918), 62. [3] See above, p. 16.

The director of the department of Public Welfare during Governor Lowden's administration was Mr. Charles H. Thorne, a business man who had never held a political office. As president of Montgomery Ward and Company, he had had wide executive and business experience which Governor Lowden hoped would enable him to introduce "practical business methods" into the management of state institutions.[1] Mr. Thorne's attitude toward state control and supervision is indicated in a statement made in 1920 in which he regarded as "a bit dangerous" the tendency to add to the custodial burdens of the state and to view the various problems "with a paternalistic eye." He believed that the true function of the state was advisory and supervisory except in the care of those groups for whom the state alone had sufficient authority and means. He very wisely pointed out that where the state had already made mandatory upon the local community such duties as mothers' pensions, blind pensions, and similar measures, it might well extend supervisory authority also.[2] He was impressed with the magnitude of the state's task in conducting public institutions, but expressed little interest in state supervision over private organizations. It was during Mr. Thorne's administration, which corresponded with the war period, that the publication of reports concerning private child-caring associations was discontinued, partly as an economy measure and partly on the ground that such publication was of no value.[3]

During the eight years of Governor Small's administration (1921–29) there were two directors of the Department of Public Welfare, one serving six years and the other two; during the latter period especially no constructive policy seems to have been followed. The annual reports and other publications were popularized, and contained few facts concerning the work of the Department. The *Institution Quarterly*, which had served as an educational organ and record of progress for fifteen years, was replaced by the *Welfare Magazine*,[4] a journal made up of popular articles on various subjects not always related closely to the work of the Department. The Board of

[1] *Institution Quarterly*, IX, No. 2 (June 30, 1918), 20.

[2] *Ibid.*, XII, Nos. 1 and 2 (March and June, 1921), 11.

[3] *Ibid.*, XIII (June 30, 1922), 45.

[4] This publication was discontinued entirely in 1929 on the plea of economy.

Public Welfare Commissioners ceased to function during Governor Small's term in office; indeed, only one commissioner was ever appointed, until the last year of the Governor's second term when four other persons were added. The Board, however, never organized.

Governor Emmerson in 1929 appointed five representative persons[1] as a Board of Public Welfare Commissioners. They promptly employed a qualified social worker as executive secretary[2] and have undertaken a program of visitation and research.

A list of private institutions caring for mental patients or for the feeble-minded, licensed by the Department of Public Welfare, appeared for the first time in the reports for 1927 and 1928. No comment was made. The twenty reported in 1927 and the eighteen in 1928 were as follows:

LICENSED PRIVATE INSTITUTIONS CARING FOR THE INSANE AND FEEBLE-MINDED, ILLINOIS, 1927 AND 1928

INSTITUTION	LOCATION	NUMBER OF PATIENTS	
		1927*	1928†
Bellevue Place Sanitarium	Batavia	33	31
Chicago Sanitarium	Chicago	48	46
Howe Home	Wheaton	13	11
Illinois Sanitarium	Chicago	28	0
Kenilworth Sanitarium	Kenilworth	28	27
Lake Park Sanitarium	Chicago	23	34
Lindlahr Sanitarium	Elmhurst	84	‡
Mercyville Sanitarium	Aurora	138	152
Michell Farm	Peoria	15	24
Norbury Sanitarium	Jacksonville	97	94
Parkway Sanitarium	Chicago	.....	18
Peoria Sanitarium	Peoria	22	21
Resthaven Sanitarium	Elgin	70	63
Seven Oaks Sanitarium	Peoria	5	3
Sheridan Road Sanitarium	Waukegan	9	‡
Dr. Weiricks Sanitarium	Rockford	.....	‡
Wilgus Sanitarium	Rockford	25	26
Wooster Lake Health Resort	Round Lake	4	4§
Mary E. Pogue Sanitarium	Wheaton	31	31**
Beverly Farm	Godfrey	62	62**
St. Mary of Providence Institute	Chicago	40	51**

* *Annual Report, Illinois Department of Public Welfare, 1927*, p. 526.
† *Ibid., 1928*, p. 601.
‡ Not reported in 1928 or number of patients not given.
§ Formerly Sunny Brook Farm Health Resort. ** For feeble-minded.

[1] Mr. Willoughby G. Walling, chairman, Judge Perry L. Persons, Rev. Frederic Siedenburg, Mr. Harry L. Lurie, and Miss Mary G. Humphrey.

[2] Mr. Frank Z. Glick.

Public regulation of private organizations has been extended further in the children's field than in any other, probably due to the fact that payments from county funds were early authorized by the so-called "industrial schools acts"; and where public funds go regulation usually follows. Then also, children as a group are everywhere peculiarly exposed to exploitation and neglect, and public interest in their welfare finds expression in protective legislation.

In Illinois prior to 1905, inspection and supervision for certain children's institutions and agencies were vested in the Board of State Commissioners of Public Charities. The Industrial School for Girls Act[1] in 1879 and the Training School for Boys Act[2] in 1883 authorized the Board to visit, inspect, and supervise these institutions in the same manner as they did the charitable and penal institutions supported wholly by the state, a duty which the Board undertook and faithfully performed until 1905, when a special official, a state agent, was designated for this duty.[3] During this period of twenty-six years the secretary or one of the five members of the Board managed to inspect annually, not only the four industrial and training schools which had been organized, but also some of the other private child-caring organizations in the state. One of their first undertakings was the making of a directory of private charities, for which information was secured "by courtesy of the officers in charge."[4] The institutions were on the whole co-operative; only one, the Chicago Industrial School for Girls, refused to supply information.[5] Since the relation of the industrial schools to public authorities is discussed fully in chapter iv, the only statement to be made here is that the Board conscientiously performed the supervisory duties imposed, refusing in 1894 to approve the Illinois Industrial School for Girls until improvements were made in housing and management.[6]

The Juvenile Court law enacted in 1899 required the Board to inspect, to require quarterly reports as to movement of population

[1] *Laws* (Legal News ed.), 1879, p. 138.

[2] *Ibid.*, 1883, p. 134.

[3] *Ibid.*, 1905, p. 34, secs. 3, 4.

[4] *Report of the State Board of Public Charities, 1884*, pp. 270 ff.

[5] *Ibid.*, p. 274. [6] *Report of the Illinois Industrial School for Girls, 1895*, pp. 39–40.

and financial transactions, and to certify annually as to the fitness of those private institutions and agencies which received children by commitment from the juvenile court.[1] The latter might commit children only to those institutions holding certificates issued within the preceding fifteen months. The Board therefore adopted forms for quarterly reports to be submitted,[2] and proceeded to establish minimum standards of care for another group of organizations, namely, those receiving children from the juvenile courts.[3] Unfortunately, either the courts failed sometimes to consult the list of approved institutions before committing a child or they were faced with a situation in which there was no certified provision available,[4] with the result that children were still sent to institutions beyond the control of the state central authority.[5]

Another duty placed upon the Board by the Juvenile Court law was the approving of charters of associations desiring to incorporate to care for dependent, neglected, or delinquent children, before such charters might be issued. Eight requests came before the Board in 1904, of which five were granted.[6] From 1922 to 1928 an average of twenty-four applications for charters were approved each year and ten disapproved. In addition, about seventy applications[7] were returned to the secretary of state yearly, because they did not involve children's work and hence were outside the state agent's jurisdiction. Since an investigation must be made to determine this fact, an extension of the law to approval of all charitable organizations' charters would involve little extra expense.

Attention was also given to foreign corporations placing children in Illinois which were required by the juvenile court law to furnish a guaranty that the child placed was free from disease and defect

[1] *Laws*, 1899, p. 134.

[2] *Report of the Board of State Commissioners of Public Charities, 1900*, p. 93.

[3] An amendment in 1901 authorized the courts to require additional information when deemed necessary, and provided that in no case should the court be required to commit a child to an unsatisfactory institution. *Laws*, 1901, sec. 13, p. 143.

[4] See, for example, p. 148, footnote, relating to provision for colored girls.

[5] *Report of the Board of State Commissioners of Public Charities, 1904*, p. 132.

[6] *Ibid.*, p. 9.

[7] *Report of the Department of Public Welfare, 1922*, p. 50; 1923, p. 104; *1924*, p. 125; *1925*, p. 115; *1926*, p. 126; *1928*, p. 146. No report on charters was made in 1927.

and would not become a dependent within five years. The Board required a bond for each child from the three associations placing children in 1900.[1] By 1918 the number of associations had increased to nine which had placed 77 children in two years.[2]

The 1905 statute[3] initiated an important program of state supervision of child-placing associations, which has been gradually extended from associations receiving public funds to all individuals as well as all associations which place children in foster-homes. Previous legislation had provided for inspection and certification for organizations placing children received from juvenile courts; but the 1905 law provided that the name, age, and sex of the child and the name of the family with whom placed should be reported to the Board if the association making the placement was supported in whole or in part from public funds.[4] In this way the state undertook to account for every child placed in a foster-home by certain associations. Even if not receiving public aid, any association so desiring might be placed on a list of those to be supervised, a provision apparently intended to make supervision appear a privilege.[5]

This statute also created the positions, under the general direction of the Board, of state agent and two home visitors. The Board was to appoint persons for these positions until a civil service law should be enacted, after which they were to be selected by competitive examination.[6] The duties of the state agent and visitors were to visit every child placed in a foster-home by the designated associations. If, after visiting a sufficient number of homes selected by an association, the state agent was satisfied that the association was doing satisfactory work, he might so advise the Board, which would authorize him to accept the report of the association thereafter in lieu of his own. The inspection and certification of institutions and agencies were also transferred to the state agent and his staff. The exact forms for reports of visits to each child were placed in the statute.[7]

The handicap under which the state agent labored from the first in performing the duties imposed is evident from the fact that the

[1] *Ibid.*, *1900*, p. 107.
[2] *Ibid.*, *1918*, p. 417.
[3] *Laws*, *1905*, p. 34.
[4] *Ibid.*, sec. 1.
[5] *Ibid.*, sec. 7.
[6] *Ibid.*, sec. 3, p. 34.
[7] *Ibid.*, sec. 5, p. 35.

sponsor of the 1905 statute, Judge Timothy D. Hurley, requested the legislative committee considering the bill to make provision for the appointment of twenty home visitors[1] instead of the two visitors and a state agent which were authorized. An appropriation of $4,500 was made to cover all the provisions of the act.[2] After considerable effort, the appropriation was increased to $5,500 and four visitors; but with this small appropriation only one visitor could be kept in the field all the time.[3] In 1918 the state agent could report only two visitors added to his staff since the creation of the office.[4] Under the Department of Public Welfare, however, with the addition of new duties the Division has shown a slow growth. A state agent, an assistant, ten visitors, and two stenographers were the staff in 1922,[5] and in 1929 the appropriation totaled $168,874, with the following positions: a superintendent of child welfare at a salary of $5,000, an assistant at $3,000, a supervisor at $3,100, and twenty-two home visitors at salaries ranging from $1,200 to $2,000, and ten office assistants.[6]

The Act creating the Board of Administration in 1909 provided for a Division of Visitation of Children, with the state agent and a staff of home visitors appointed by civil service and clerical workers appointed by the Board. Powers of inspection, visitation, and certification were extended to home-finding associations as well as orphanages.[7] This power was made more effective by authorizing the revocation of licenses for those organizations which proved unsatisfactory.

Obviously, it was impossible for the Division of Visitation of Children with a staff of five people to supervise all of the private child-caring organizations specified. The result was that child-placing agencies doing a low standard of work were accredited without investigation of their foster-home placements and that infrequent visits were made to institutions. In 1912 Mr. Henry W. Thurston,

[1] *Institution Quarterly*, XIV, No. 3 (September, 1923), 221.

[2] *Laws*, 1905, sec. 9, p. 37.

[3] *Institution Quarterly*, III, No. 4 (December 31, 1912), 104–7.

[4] *Report of the Department of Public Welfare, 1918*, p. 416.

[5] *Ibid.*, *1922*, p. 47.

[6] *Laws*, 1929, p. 78.

[7] *Ibid.*, 1909, sec. 4(F)11, p. 108.

chief probation officer of the Cook County Juvenile Court, speaking before the State Conference of Public Welfare, stated:

> There are some associations which not only do not visit the children placed in foster homes under their authority and direction at all, after the children are so placed, but they also neglected to make any personal investigation, through their agents, of the homes in which they placed these foster children.[1]

The State Charities Commission recognized the inadequacy of the supervision and recommended that it be improved and extended.[2] They also gave valuable service in child welfare work through the surveys previously mentioned, of public and private indoor and outdoor charitable work in the various counties.

In 1915 additional duties were placed upon the Division of Visitation of Children by the maternity hospitals' act, which required that "all persons, societies, associations, organizations, or corporations" conducting a maternity hospital should secure a license after approval by the central authority.[3] The statute further required that certain identifying information should be kept, and that no child might be placed in a free or boarding home until that home had been investigated by the Division of Visitation of Children. A license might be immediately revoked for violation of the act, and operation without a license would be a misdemeanor. The Board had been empowered in 1909 to inspect lying-in hospitals but had been given no real control over them.[4]

The need for such legislation had long been apparent. In 1906 the Board of State Commissioners of Public Charities had recommended that it be given powers of inspection and certification of both maternity hospitals and boarding homes,[5] but it was not until conditions in Cook County and Chicago became so openly scandalous that a legislative investigation was demanded[6] and an act secured. It was

[1] *Institution Quarterly*, III, No. 4 (December 31, 1912), 104.

[2] *Ibid.*, IV, No. 4 (December 31, 1913), 65–66.

[3] *Laws*, 1915, p. 254.

[4] *Ibid.*, 1909, sec. 4(F)5, p. 107.

[5] *Report of the Board of State Commissioners of Public Charities, 1906*, p. 30.

[6] Under House Joint Resolution, No. 36, 1915—joint committee of the house and senate to inquire into the methods of all societies, etc., handling and disposing of children.

hailed as "a step in the direction of general State supervision, inspection and control over general hospitals and private institutions for the care and treatment of the sick,"[1] but fifteen years later the state is still without such general supervision.

The maternity hospitals act was practically ineffective for three years because the legislature omitted to make adequate provision for carrying out the large number of new duties imposed upon the Board of Administration.[2] The state agent did, indeed, inspect a large percentage of the maternity hospitals, and reported his findings to the alienist of the Board of Administration, with recommendation; but no licenses were issued.[3]

With the third change in the central authority, to a Department of Public Welfare, efforts were made to improve the work of the Children's Division. It was recognized that five people could not supervise 4,500 children in foster-homes, inspect and license 90 institutions and 170 maternity hospitals. The first report of the Department states that, although supervision of children in foster-homes was the original work for which the Division was created, "without giving it additional help or facilities, we have imposed upon it the inspection of maternity hospitals and hospitals having maternity wards, which in itself is more than an organization of its size should be expected to do."[4] The Department authorized the state agent to begin the inspection of all maternity hospitals, and promised to accept his recommendation.[5] According to the reports of the state agent, there were at this time 170 hospitals to be inspected, 68 of them in Chicago and 102 outside of the city. Of 75 hospitals inspected in 1918, 44 were granted licenses.[6] In 1923 a visitor was assigned exclusively to this work. The Division licensed 234 hospitals in 1928, of which 85 were in the city of Chicago.[7]

[1] *Institution Quarterly*, VI, No. 3 (September 30, 1915), 99.

[2] *Ibid.*, p. 98.

[3] *Report of the Department of Public Welfare, 1918*, p. 420. Why reports were made to the alienist is not clear.

[4] *Ibid.*, p. 259.

[5] *Ibid.*, p. 420. [6] *Ibid.*, p. 421.

[7] *Ibid., 1928*, p. 148; "Certified Orphanages, Child Placing Societies . . . . Maternity Hospitals . . . . ," Division of Visitation of Children, January 31, 1929, pp. 16–18.

In order to improve the standard of care of children in foster-homes, the Department of Public Welfare in 1918 made the Illinois Soldiers' Orphans Home a receiving home for dependent children. This institution had been founded by the state in 1865, after the Civil War, when many soldiers' children were orphaned. It had been open to all dependent children by law in 1907,[1] and in 1918 only about one-half of the inmates were soldiers' children. One of the first actions of the Department was the passage of a resolution which was distributed throughout the counties to juvenile court judges, urging them, when committing dependent children to the Orphans' Home, to appoint the superintendent as guardian with power to place such children in family homes.[2] Soldiers' orphans could not, however, be placed in private homes but must remain in the institution until eighteen years of age, unless removed by relatives.[3] A visitor was assigned to the task of admitting children to the Home, and in fourteen months through foster home placements reduced the population from 500 to 380.[4] The plan for developing a state institution for dependent children with a placement service in connection was expanding when, in 1925, the American Legion and others interested secured legislation which again restricted the population of the Home after September, 1929, to soldiers' children.[5] The Department of Public Welfare stated it believed some action should be taken to relieve the situation, since the state would be left without a clearing house for dependent children.[6] Although the Department undoubtedly had more than it could do properly to supervise and regulate private institutions without attempting to do child-placing directly, yet it is to be regretted that this experiment in public care was curtailed. It leaves the state once more dependent upon private organizations for the long-time care of all children except those of soldiers.

In 1919 the Department of Public Welfare was given the responsi-

[1] *Laws*, 1907, p. 83.

[2] *Institution Quarterly*, IX, No. 1 (March 31, 1918), 37.

[3] *Ibid.*, XIV, No. 1 (March, 1923), 116–17; *Laws*, 1925, sec. 5, p. 186.

[4] *Institution Quarterly*, IX, No. 1 (March 31, 1918), 255.

[5] *Laws*, 1925, p. 186.

[6] *Institution Quarterly*, XIV, No. 1 (March, 1923), 116–17.

bility for the inspection and licensing of boarding-homes[1] in addition to orphanages, child-placing associations, and maternity homes. The central authority had for many years recommended to the legislature that it be empowered to supervise and license homes in which children were placed to board,[2] and had from time to time reported instances brought to its attention of children detained in immoral and insanitary places.

The boarding-homes act is a comprehensive statute which makes it unlawful for "any person, firm, association or corporation" advertising as conducting a boarding-home for children under sixteen, or caring for two or more children under sixteen if unrelated or unattended by parent or guardian, to conduct a boarding-home for hire without a license from the Department of Public Welfare. The holder of the license must have it renewed annually, must report quarterly certain identifying information prescribed by the Department, and must maintain a standard of physical, moral, and educational care specified in the statute. Violation is made a misdemeanor. The Department, before issuing the license, is to visit and inspect the boarding-home, may make reasonable rules and regulations, and may revoke any license "after due investigation of the fact and after ten days' notice and hearing."

This statute would seem to complete the authority of the Department of Public Welfare to inspect and license all child-caring associations in the state, since boarding-home is defined so broadly; but the state has never had occasion to test the extent of its authority under this act.

Like the maternity hospitals act, this legislation for boarding-homes was ineffective for several years because of inadequate appropriations and a small field staff.[3] In 1925, forms were prepared and a statement of minimum boarding standards as to housing, conditions in the home, the care of children, admissions and licensing regulations, was formulated.[4] Arrangements were made with the Catholic Home Bureau, Illinois Children's Home and Aid Society, and the Jewish Home Finding Association to furnish investigators'

[1] *Laws*, 1919, p. 248.

[2] *Report of the Board of State Commissioners of Public Charities, 1906*, p. 30.

[3] *Report of the Department of Public Welfare, 1926*, p. 126. [4] *Ibid., 1925*, p. 110.

reports on homes in which their wards were boarded; and the Division of Visitation of Children undertook the investigation of all independent boarding-homes not supervised by approved agencies.[1] At this time (1926) the staff consisted of a superintendent, assistant superintendent, fourteen visitors, and four employees in the office. The assistant superintendent complained, however, that the staff was inadequate and that every branch of the work was congested.[2]

A serious difficulty in the enforcement of the law was the newspaper advertising, which seemed beyond control. Cases were found of people who trafficked in children, particularly illegitimate infants. One woman ran two advertisements every day, one requesting a child for adoption and the other offering a child for adoption. She charged from twenty-five to fifty dollars for every child placed.[3] In 1927 the Joint Service Bureau,[4] a private agency in Chicago, secured the co-operation of the leading newspapers in submitting all boarding-home advertisements for approval of the home before the advertisement would be accepted. This measure has greatly aided the Department in controlling the situation.

A second important undertaking of the Department of Public Welfare was a study of child welfare work which grew out of a conference in 1920, at which suggestions were made for a children's code commission and for a child welfare division in the Department.[5] The director of the Department appointed a "Children's Committee," the purpose of which was "the setting forth of a program of adequate child care, of correlating efforts of existing boards and departments in the interest of children, of codifying the laws relating to children, and establishing throughout the State minimum standards of child welfare."[6] The Committee, composed

[1] *Ibid.*, *1926*, p. 126.

[2] *Ibid.*, p. 127. [3] *Institution Quarterly*, XV, No. 3 (September, 1924), 178.

[4] The Joint Service Bureau was organized in 1926 to serve as a clearing house for applications to private Protestant institutions for dependent children in Cook County. Its professional staff has been alert to improve the personnel and standard of member institutions as opportunity was afforded. In 1928 a department for colored children was added.

[5] See, for example, papers by Sophonisba P. Breckinridge and Joel D. Hunter on child welfare programs, *Institution Quarterly*, XVI, No. 1 (March 31, 1920), 44 ff.

[6] *Report of the Illinois Department of Public Welfare, 1920*, pp. 282–434.

of forty-four of the ablest educators, lawyers, social workers, philanthropists, and physicians in the state, had as its chairman Mrs. Ira Couch Wood, director of the Elizabeth McCormick Memorial Fund of Chicago. Ten subcommittees were organized to consider the delinquent child, the dependent child in families, family relief, child labor, the illegitimate child, medical aspects of child care, the feebleminded child, the colored child, and standards for children's institutions. Hopes were high for realizing some of the recommendations of these committees when a change in the office of governor stopped progress.

An appropriation for a salary of $5,000 in 1923[1] made possible the appointment of a superintendent of child welfare, in accordance with the suggestions of the Children's Committee in 1920. The appointee, however, came from a clerical position in public service in Cook County and was without professional qualifications. His duties were not defined, and his work was described as supplementary to that of the Division.[2] Although the office of state agent had been abolished with the adoption of the administrative code in 1917,[3] an appropriation for salary was continued until 1925, since when the duties have been performed by the superintendent of child welfare.

Another attempt to carry out a recommendation of the Committee was made in 1924, when the Department of Public Welfare called together representatives dealing with children from the departments of health, education, and labor to assist in outlining a case-history sheet to be used by all child-caring organizations in reporting each child under care. A detailed history sheet was adopted, which, it was hoped, would enable the state to know what happened to every dependent child in its borders. The Department believes that the request for this information has been educational although the institutions in Cook County have generally refused to report. The Illinois Children's Home and Aid Society, for example, has expressed willingness to report any particular child when requested but has

[1] *Laws*, 1923, p. 31. The state agent was then receiving $3,000 a year.

[2] *Report of the Department of Public Welfare, 1923*, p. 105.

[3] *Laws*, 1917, sec. 35, p. 17. The man who had held the position of state agent for nineteen years died in 1924.

objected to the clerical work involved in reporting every child under care.[1]

Not only has the work of the Division of Visitation of Children been too great in volume for the number employed, but also it has suffered from the domination of appointees who have had no special preparation for their tasks. The man who was appointed state agent in 1905, when the office was created, and who held it until his death in 1924, was a former minister, with a genuine interest in child welfare work but without much vision. He was timid about pushing the needs of the Division and could not secure the appropriations necessary to increase his staff to any degree of adequacy. A woman who entered the Division in 1915, however, as a member of the office staff, and who has been advanced to assistant state agent and now to superintendent,[2] has administrative ability, conviction, and understanding, and has been able to win the respect and co-operation of the social organizations throughout the state. In justice to the executives it should be stated that they have been helpless in selecting their staff of visitors or even office assistants when the director of the Department of Public Welfare and the governor have used these positions as rewards for their political adherents, as has happened repeatedly. Civil service laws are a protection for public positions only when politicians observe their provisions.

The present director of the Department of Public Welfare[3] was formerly Supreme Secretary of the Loyal Order of Moose and managing director of the lodge's orphanage, Mooseheart. He has, therefore, a keen interest in work for children and has instructed the Children's Division to report to him directly instead of through the superintendent of charities, as formerly. He was heartily in favor of the appointment of the Child Welfare Committee mentioned below.

A word should be said of the reciprocal assistance rendered by the Illinois Conference on Public Welfare[4] and the Department of Public

[1] Statement of Miss Edna Zimmerman, superintendent, Division of Children, September, 1929.

[2] Miss Edna Zimmerman. [3] Mr. Rodney H. Brandon.

[4] The purpose of the organization is to stimulate discussion, in annual conference, of social welfare work in all its phases, and to promote measures for the better co-ordination of such work. Officers for 1931 are Miss Mary E. Murphy, president; Frank Z. Glick, secretary.

Welfare. The former has frequently made constructive criticisms of the public department and has proposed and supported measures for its improvement, in turn receiving such material assistance as the publication of its proceedings. A resolution adopted by the Conference at its 1927 session has borne results, with the appointment of an official committee. The resolution read:

WHEREAS, The promotion of child welfare is of outstanding importance as a part of an adequate social welfare program in any state; and

WHEREAS, In the State of Illinois there exist extensive legislation and facilities for child welfare in the form of institutions, organizations, agencies and public departments; and

WHEREAS, To bring about the best results in this field of work it is desirable to develop a more perfect functioning of these various facilities in a more complete co-operative effort and in a more extensive service for children, be it

Resolved, That the Illinois Conference on Public Welfare authorize and instruct the incoming President to appoint a committee whose duty it shall be to consider and develop ways and means toward the most comprehensive, complete and co-ordinated system of child welfare possible within the State of Illinois, including the legislative and administrative phases of such service.[1]

The 1929 legislature adopted Senate Resolution No. 23, which stated:

Child welfare work is unco-ordinated, the standards in the various sections of the state are very uneven and unsatisfactory with considerable confusion regarding what child welfare work should be supported by government funds and what should be left to private philanthropy.[2]

The resolution further requested the appointment of a child welfare committee to consider the matter. Governor Emmerson thereupon appointed the members of the Committee on Child Welfare of the Illinois Conference on Public Welfare as the nucleus for an official committee and added others to a total of twenty-seven persons, among whom are the leaders in child welfare work in the state.[3] A

[1] *Proceedings of the Illinois Conference on Public Welfare, October 19, 20, 21, 1927, Joliet* (published by the Department of Public Welfare, Springfield).

[2] *Illinois State Register* (Springfield), August 31, 1929, pp. 1–2.

[3] Members of this Committee are: H. P. Chandler, chairman, C. M. Moderwell, Mrs. George R. Dean, Wilfred S. Reynolds, Mary E. Murphy, Dr. H. M. Adler, Jessie F. Binford, Mrs. Grace Noll, S. P. Breckinridge, Rev. W. A. Cummings, Joel D. Hunter, Leo A. Phillips, Jacob Kepecs, C. V. Williams, Judge Mary Bartelme, all of Chicago; Judge O. B. Irwin, Springfield; F. S. Cunningham, Evanston; E. M. Roselle, Mooseheart; Mrs. A. K. Diamond, Dieterich; Senator Florence F. Bohrer, Bloomington;

highly qualified executive secretary was employed,[1] funds were raised from private sources, and committees were organized for the study of dependency, delinquency, handicapped children, health and education, and county organization.[2]

The Relation between State Regulation and State Aid

As is common in the history of public regulation of private charities, in Illinois state supervision began first with those private institutions and agencies which were receiving public funds or public wards, and was gradually extended to others. An exception is the law of 1869 and those laws of 1893 and 1909 which, first, allowed the central authority to inspect private hospitals for the insane and, second, required it to license them. But, as has been pointed out, these laws have never been diligently enforced. Supervision over private children's institutions began with the industrial and training school acts of 1879 and 1883, which authorized payments from county funds to these institutions, and was extended by the juvenile court law of 1899, which required inspection of institutions and agencies receiving children under this act. Even the 1905 law providing for visitation of children in family homes limited supervision to those individuals and associations supported in whole or in part from public funds.

The first provision of a general nature was the requirement in the juvenile court law that all associations desiring to incorporate for the purpose of caring for dependent, neglected, or delinquent children should first be approved by the central authority. With this exception, state supervision over children's organizations other than those receiving public funds may be said to date from 1909, when the state central authority was changed from a supervisory body to an ad-

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Mary E. Humphrey, Springfield; Rodney H. Brandon, Springfield; Judge Warren H. Orr, Carthage; Judge A. D. Morgan, Marion; Judge W. R. Weber, Belleville; Judge William C. Radliff, Bloomington; Mrs. Claire C. Edwards, Waukegan.

[1] Miss Mary Ruth Colby, formerly assistant director, Children's Bureau, Board of Control, Minnesota.

[2] *Report of the Committee on Child Welfare Legislation, State of Illinois, February 3, 1931.*

ministrative one and inspection was supplemented by licensing. Since then, maternity hospitals, boarding-homes, and individuals placing children have been added to associations caring for children, as organizations coming under state inspection and certification or licensing. The greatest needs perhaps at the present time are for a codification of existing laws so that there can be no doubt as to the powers and duties of the Department of Public Welfare in its supervision of private organizations and for the establishment by statute of a children's division in the Department since the so-called "Division of Visitation of Children" could, under the present arrangement, be dispersed at the will of the director of the Department. Doubtless some action will follow the recommendations of the recently appointed Child Welfare Committee.

Whether or not the state has authority to inspect private homes for the aged seems never to have been determined. The State Charities Commission during its existence apparently interpreted the duties of the Board of Administration to inspect and investigate "outdoor poor relief, almshouses,"[1] as authority to inspect private institutions,[2] and published annually a list of old people's homes in the state. Like the inspection of private hospitals for the insane, under the organization of the Department of Public Welfare this duty has not been placed upon any particular division. Because of requests for this information, the Division of Visitation of Children therefore has continued the publication of the list of homes for the aged.

The power to visit and inspect any charitable society, institution, or association which appeals to the public for aid or is supported by trust funds, on complaint of at least two reputable citizens in writing, was first given the central authority in 1909. Inasmuch as the central authority can then only report to the governor "upon its efficiency, economy, and usefulness," the provision is not of consequence and has seldom, if ever, been invoked.[3]

The supervision which the state has attempted to exercise over

[1] *Illinois Laws*, 1909, p. 107, 5(F), par. 5.

[2] *Report of the State Charities Commission, 1913*, p. 13.

[3] Statement of Mr. A. L. Bowen, formerly executive secretary of the State Charities Commission and superintendent of charities, 1929—.

private organizations in behalf of children has consisted of (1) visits to the institutions with the filing of a report upon such visits, (2) the requirement that quarterly and annual reports be submitted on prescribed forms and that a case history sheet of each child be submitted, (3) the issuance of a certificate or license to approved organizations, and (4) the publication of lists of approved organizations. Although a license is supposed to be issued annually, the inadequate staff of visitors has made annual visitation impossible, and some institutions have not been visited for periods of from three to ten years.[1] If the institution co-operates by submitting reports regularly and if no complaints are received, the Department continues to issue the license.

Co-operation of private organizations with the central authority has, on the whole, been satisfactory with the exception of the Cook County organizations which have refused to send history sheets for each child. Objections have been that this involves too heavy expense for clerical assistance, that the agency or institution does not have the information, and that the state makes no use of the records after they are filed. As to the last, it is true that the office staff has been inadequate and that the files have been congested and in a chaotic condition. The five Catholic dioceses of the state have recently united in a protest to the Department of Public Welfare against sending case-history sheets for each child because they do not usually have the information; and against sending financial statements annually to the Department, on the plea that their reports are not comparable with those of other institutions due to the fact that the nuns and brothers who make up most of the personnel for their institutions are almost entirely unpaid. Since about one-fifth of the 119 certified organizations in the state are Catholic, an abbreviation of their reports would leave the state records seriously incomplete.

[1] Statement based upon examination of files, Division of Visitation of Children Springfield, September, 1929.

CHAPTER IV

THE POLICY OF THE STATE IN RESPECT TO SUBSIDIES

Appropriations from public funds to private charities in Illinois are restricted to county appropriations and are of greatest importance in Cook County. Since 1870 the state has pursued a policy of authorizing, or in some instances making mandatory upon the county, the payment for service rendered by certain institutions in the care of children and the sick poor. In Cook County, where the law has been most strictly observed, there has been conflict between the institutions and the county supervisors, and between the various religious groups and the county authorities. The section in the constitution of 1870[1] forbidding appropriations from public funds in aid of sectarian organizations has been brought before the Supreme Court nine times for interpretation, as it has affected the county payments to children's institutions under Catholic management. The decision of the Supreme Court in 1917[2] that a payment amounting to less than the cost to the institution for the care of the child was not "aid," and hence not in violation of the constitution, has firmly established the practice of county payments upon court order to certain private children's organizations, sectarian and non-sectarian.

As a state, Illinois has eschewed legislative grants to private charities. Two or three times in its history, before the adoption of the constitution of 1870, the state made lump appropriations to private organizations, and in 1871 took over one of them, the Illinois Charitable Eye and Ear Infirmary, as a state institution. The prohibitions in the constitution against special privileges to private organizations have been reinforced by a consistent policy opposing public aid to private institutions and agencies on the part of the three central authorities, which have successively dealt with charities.

[1] Art. viii, sec. 3.

[2] *Dunn* v. *Chicago Industrial School for Girls* (1917), 280 Ill. 613.

State Aid before 1870

The first instance of a state grant to a private organization occurred in 1839, when the legislature gave the newly organized La Salle Charity Hospital in La Salle five acres of canal land for the use of the hospital and "for no other purpose."[1] The grant was made on condition that it should be "unalienable," and that the land would revert to the state if the trustees did not establish a hospital within two years which would care for twenty patients, or if for one year the land should ever cease to be used for the purpose for which donated.

In the same year, the Illinois Asylum for the Education of the Deaf and Dumb was incorporated, with twenty-one directors representing seven counties.[2] This institution from its inception had a semipublic character, inasmuch as application for admission was through two justices of the peace of the county in which the person was a resident; and the directors were required to report biennially to the speaker of the senate and house of representatives on the funds and expenses of the institution, its enrolment, and the number supported gratuitously. The Asylum was to receive annually ½ per cent of the interest accruing upon the school, college, and seminary fund; but the section provided that the legislature might at any time repeal this provision.[3] In 1847 the amount was increased by an annual appropriation of $3,000;[4] and in 1849 the Asylum became a state institution under the name "The Illinois Institution for the Education of the Deaf and Dumb," for which a total of $20,235 was appropriated.[5]

No further appropriations to private institutions were made until 1867, at a time when the legislature was besieged by those requesting special acts and favors, when two institutions were given lump sum appropriations. One of these was the Chicago Charitable Eye and Ear Infirmary, which had been established in 1858 under the leadership of Dr. Edward L. Holmes for the purpose of providing a clinic "where the poor might be served free and doctors trained who would carry to the people of all parts of the Northwest the benefits of their

[1] *Illinois Incorporation Laws*, 1839, sec. 1, p. 113.

[2] *Ibid.*, 1838–39, sec. 1, p. 162.

[3] *Ibid.*, sec. 8, p. 164.

[4] *Ibid.*, 1846–47, p. 47.

[5] *Ibid.*, 1848–49, pp. 93–94.

experience at the Infirmary."[1] Mercy Hospital was the only one serving the city of 80,000 inhabitants at this time, and the need for special treatment of diseases of the eye and ear was urgent. A dispensary service only was maintained until 1864, when funds were raised to open a hospital where lodging, medicine, and treatment were furnished gratuitously. The first house-patient arrived before the building was cleaned and furnished, and slept on the floor on a blanket for two nights. A great number of soldiers and sailors with diseases of the eye applied for treatment. The number of patients increased from 115 in 1859 to 1,107 in 1869, thus taxing the resources of the group promoting the Infirmary. They applied, therefore, to the legislature in 1867 for a grant of $5,000 a year to be used for the payment of board of poor patients from the various counties who came to Chicago for treatment. This request was allowed, and a similar grant of $5,000 was made in 1869.

Real and personal property of the Infirmary, not exceeding $70,000, was exempted from all taxation. These grants and exemptions were allowed under the following conditions, namely, (1) that all accounts, records, and documents should be open to inspection by such officers as the legislature might appoint; (2) that comfortable quarters for at least forty patients be maintained, and that the surgeons serve without remuneration; (3) that a financial statement giving an "exact account" of the way in which the appropriation was spent be printed in the annual report of the Infirmary, and that this report be bound with each biennial report of the state schools for the blind and deaf.[2] The final section of the 1867 act added the suggestion that the word "Illinois" might be substituted for "Chicago" if at any time this change seemed desirable to the trustees of the Infirmary. Two years later, in 1871, the Infirmary was made a state institution, the name changed to the "Illinois Charitable Eye and Ear Infirmary," and the property held by the trustees transferred to the state with the provision that whenever the legislature should fail to appropriate an amount equal to $5,000 a year, the property should revert to the trustees.[3]

[1] Ann Richey, "The Illinois Eye and Ear Infirmary" (University of Chicago unpublished Master's thesis, 1929). Facts concerning the early history are from this source unless otherwise indicated.

[2] *Illinois Laws*, 1867, secs. 1–5, pp. 37–38; 1869, p. 43.

[3] *Ibid.* (Meyer's ed.), 1871, p. 9.

The other institution receiving appropriations in 1867 and 1869 was the Illinois Soldiers' College, founded by private subscription in 1866, when there were some 5,000 soldiers in the state[1] and public sentiment toward ex-soldiers was warm. The institution, located at Fulton, in Whiteside County, was intended to provide vocational training for disabled veterans who could not follow their former occupations, and for sons of veterans.

> Many of them were persons of limited culture and means, dependent upon their labor as farmers and mechanics for support. The nature of their injuries prevented them from following their former vocations, and being unqualified for other suitable positions and duties, they were left in a peculiarly helpless and unpleasant condition. Many had left school at an early age to enter the army. . . . They were illiterate, and all possibility of maintaining themselves by physical labor was gone.[2]

Attempts were made in various parts of the state to found a "Monumental College," therefore, for the free education of soldiers and soldiers' children. "The plan, in its very commencement, was laid before Governor Oglesby, Senator Trumbull, General Grant, and other leading men of the state, and received their hearty approval and endorsement."[3] A state-wide campaign for funds was opened and $36,000 raised to purchase a building in Fulton which had been erected in 1855 as a hotel that was to be "an exhibition of public spirit, and an ornament to the town,"[4] at a time when Fulton was a thriving Mississippi port humming with sawmills. The hotel, a five-storied building, became West Union College and Military Academy during the Civil War, and in 1866 was purchased for the Illinois Soldiers' College.

The College opened in September, 1866, and secured a state appropriation in February, 1867, for a maximum of $50,000 for the biennium. According to a charter granted by the legislature at the same session, the object of the College was "to promote education, civil and military, and especially at present to place within the reach of the soldiers and sailors of Illinois and their children the means of

[1] Clarence W. Alvord, *Centennial History of Illinois* (Springfield, Illinois: Illinois Centennial Commission, 1918–20), III, 396 n.

[2] *Reports to the General Assembly of Illinois* (1869), Vol. II, *Seventh Biennial Report of the Superintendent of Public Instruction*, p. 169.

[3] *Ibid.*, p. 170.

[4] W. W. Davis, *History of Whiteside County* (Chicago: Pioneer Publishing Co., 1908), I, 168.

acquiring a thorough education."[1] The president was Leander H. Potter, A.M., professor of mental and moral science, who had formerly been a professor in the Normal University. Preference in admission was to be given those with most serious handicaps and to those from each county nominated by the supervisors annually. All students were requested to "furnish their own bedding, towels, pails, brooms, lights, books and fuel for private rooms, and pay for their own washing," and all able to do so were expected "to assist in the light work about the buildings and grounds about an hour each day."[2] The legislature of 1869 made a second appropriation for that biennium, for $20,000 a year.

The appropriation of 1869 was granted with certain conditions attached; viz., that the money was to be applied only to the maintenance and education of disabled soldiers and sailors and their orphans or half-orphans above twelve years of age; and that the appropriation was to apply at the rate of $125 a year for each student to a maximum of 160 students. Each county board of supervisors or court might select four eligible candidates for admission, and the College was to give these applications preference.[3] An appropriation was again requested in 1871, when "an act to provide for the education of disabled and orphans of disabled soldiers" passed the house but was tabled in the senate.[4]

The state has made no further appropriations to private institutions or agencies, although efforts have been made from time to time to secure such aid. One attempt of interest was that of the Illinois School of Agriculture and Manual Training for Boys,[5] whose secretary and general manager[6] was elected to the state legislature in 1895. In addition to securing an amendment to the training school act, raising the county payment to ten dollars per boy, he procured the repeal of the clause prohibiting a training school from receiving

[1] *Private Laws of Illinois*, 1867, Vol. I, "An Act to incorporate the Illinois Soldiers' College at Fulton, in Whiteside county," p. 7.

[2] *Catalogue of the Officers and Students, Illinois Soldiers College, Fulton, Illinois, 1870* (Fulton: G. J. Booth & Son, 1870), p. 20.

[3] *Illinois Laws*, 1869, secs. 1–6, p. 40.

[4] *House Journal*, 1871, I, 849; *Senate Journal*, II, 63.

[5] Now the Glenwood Manual Training School.

[6] Mr. Oscar L. Dudley.

an appropriation from the state while receiving payments from a county;[1] and stated in his next annual report to the trustees of the School: "While I did not think it advisable to ask for an appropriation from the State this year, we can go before any future legislature and ask for one. The amendments secured will, after our present contracts expire, be worth from ten to twelve thousand dollars per year to our School."[2] In spite of such importunities, however, the legislature has steadfastly refused to modify its policy. This may be accounted for partly by the constitutional limitations upon the powers of the legislature to grant special privileges or aid; but another factor, equally important, has been the attitude of those public welfare officials who have warned against the dangers of state aid to private charities.

Regulations of the Constitution of 1870

The constitution of 1848, under which the state was governed for twenty-two years, was too rigid in some particulars and too flexible in others, with the result that certain practices highly detrimental to orderly government developed. One of these was the enactment of special laws by which favors were passed out and openly demanded. One historian, in describing the session of 1869, the last under the constitution of 1848, states that it "was moved upon by the monopolists, the lobbyists and the 'rings' with a thirst for advantages and spoils, unprecedented in the history of legislation in this State. Their action was characterized by an audacity, a prodigality, and an abandon never before exhibited."[3]

The reaction to this state of affairs is reflected in the prohibitions against special privilege in the constitution of 1870. The general assembly may not create a private corporation by special law[4] nor pass local or special laws where a general law can be made applicable. Twenty-three subjects are expressly enumerated as not suitable for special legislation, among them the granting of any special or ex-

[1] *Illinois Laws*, 1895, sec. 13, p. 81.

[2] *Eighth Annual Report, Illinois School of Agriculture and Manual Training for Boys* (1895), p. 10.

[3] Alexander Davidson and Bernard Struve, *History of Illinois, 1673–1873* (Springfield, Illinois: H. W. Rokker, 1884), p. 933.

[4] *Constitution of Illinois* (1870), art. xi, sec. 1.

clusive privilege, immunity, or franchise to any corporation, association, or individual.[1] A third prohibition is against the state's giving, lending, or extending its credit in aid of any public or other association, corporation, or individual.[2]

Property used exclusively for charitable purposes may be exempted from taxation, and the legislature is directed to enact general laws to govern the matter.[3] The provision of greatest importance in the effect upon subsidies, however, is section 3 of article viii, which states:

> Neither the general assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money or other personal property ever be made by the State or any such public corporation, to any church or for any sectarian purpose.

The intent of this section would seem to be to forbid not only the state but also any local authority, whether a "city, town, township, school district, or other public corporation," to make any appropriation "in aid of" any sectarian institution or purpose.

Nine years after the constitution was adopted, the legislature enacted an "industrial school for girls act,"[4] permitting seven or more residents to organize such a school and requiring the county board to pay a per capita allowance for all girls committed after a court hearing. Within four years a similar "training school for boys act"[5] was passed, and Illinois was launched upon a county-aid plan from which it will be difficult to become free. As religious groups have incorporated their institutions to receive the benefits of these acts, objections have been raised sometimes by individuals and sometimes by county boards that to pay these institutions for the care of children, even though they were committed by the court, was in violation of section 3 of article viii of the constitution. The decisions of

[1] *Ibid.*, art. iv, sec. 22.

[2] *Ibid.*, sec. 20.

[3] *Illinois Revised Statutes* (Smith-Hurd), 1929, chaps. 32, 102.

[4] *Illinois Laws*, 1879, p. 137.

[5] *Ibid.*, 1883, p. 133.

the court over a period of thirty-seven years are fully discussed below.[1]

In addition to the legislation mentioned, relating to children, the state has authorized city and county appropriations to organizations caring for the sick poor. Although historically this followed the children's legislation, it will be examined first.

Legislation Authorizing Subsidies from the County and City

A general law was enacted in 1889 enabling a city or county to contribute in its discretion to the support of "any non-sectarian public hospital" located within its limits.[2] An amendment in 1913 made possible contributions for "erecting, building, maintaining," as well as supporting such hospitals.[3] General public hospitals under county management are maintained in only ten counties of the state, so that most of the counties, under authority of this statute, care for the sick-poor in private hospitals, often under the management of sectarian groups and located outside the county limits.[4]

Acting under its general powers, the county board had for twenty-three years (1882–1905) made an annual contract with the Illinois Training School for Nurses to supply nursing care for patients in the county hospital. In 1905, special legislation authorized the board to make a contract with any recognized training school for the nursing of the insane and sick; and to appoint, employ, and remove physicians, in accordance with certain general provisions governing counties.[5]

Of the legislation relating to children the industrial and training school acts, mentioned above, are the most important. The girls' act was amended in 1885,[6] 1901,[7] 1911,[8] and 1929;[9] and the boys' act was modified in 1885,[10] 1895,[11] and 1929.[12]

[1] Pp. 106–11.

[2] *Illinois Laws* (Bradwell's ed.), 1889, sec. 89, p. 51.

[3] *Ibid.*, 1913, p. 135.

[4] See below, p. 196.

[5] *Illinois Laws*, 1905, p. 89. See below, pp. 121–29.

[6] *Ibid.*, 1885, p. 243.

[7] *Ibid.*, 1901, p. 263.

[8] *Ibid.*, 1911, p. 509.

[9] *Ibid.*, 1929, p. 729.

[10] *Ibid.*, 1885, p. 238.

[11] *Ibid.*, 1895, p. 81.

[12] *Ibid.*, 1929, p. 734.

As they stand in 1930, the laws provide that seven or more residents of Illinois[1] may organize a corporation to carry on an industrial school for girls or a training school for boys, their object being to provide a proper home and training for their charges, and their school to be supported from voluntary contributions except as specified. The approval of the governor before incorporation is required.

The acts permit any "responsible" resident to petition the county court or any court of record[2] to inquire into the alleged dependency of a child, a dependent child being defined for the most part as in the juvenile court act;[3] namely, as any infant who frequents any street, alley, or other place for the purpose of begging or receiving alms; who has no permanent place of abode, or does not have proper parental care or guardianship; who does not have sufficient means of subsistence, or who, from any cause, is a wanderer through streets, alleys, or other public places; or who lives with, or frequents the company of reputed thieves or other vicious persons.[4]

The acts require that the question of dependency be determined by a jury of six,[5] a procedure that is optional in the juvenile court law. If adjudged a dependent, the court may appoint a guardian,[6] and may commit a girl to an industrial school until she is eighteen years of age, and a boy to a training school until he is twenty-one. No idiotic child or one afflicted with a contagious disease, or, if a girl, "one incapacitated for labor," may be committed to an industrial or training school.[7]

[1] Illinois Revised Statutes (Smith-Hurd), 1929, chap. 122, sec. 661. A majority must be women to establish an industrial school for girls. *Ibid.*, sec. 646.

[2] The juvenile court law, enacted in 1899, twenty years after the industrial school for girls act, gave the circuit and county courts original jurisdiction over children's cases, and provided for the assignment of one circuit judge to this work in counties over 500,000 population (Cook County), the court to be known as the "juvenile court." *Illinois Laws*, 1899, sec. 2, p. 131.

[3] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 23, sec. 190.

[4] *Ibid.*, chap. 122, sec. 663. The girls' act applies also to those who beg or receive alms while selling or pretending to sell any article in public, or who are found in a poorhouse, house of ill fame, or prison. *Ibid.*, sec. 648.

[5] *Ibid.*, secs. 649, 664.

[6] The president or one of the vice-presidents of the industrial school, if a girl. *Ibid.*, secs. 650, 665.

[7] *Ibid.*, secs. 657, 670.

The fee for conveying a child to a school is paid by the county if the parents or guardian are unable to pay. The county for many years was required to pay an industrial school $15 per month for each girl, and a training school $10 per month for each boy committed by the court, these amounts to be spent for clothing, tuition, maintenance, and care.[1] The financial responsibility of the county to contribute certain minimum amounts to the private institution for services rendered is thus definitely stated. A proviso is added that children placed out to a trade or employment, or, in the case of boys, adopted, shall not be a charge upon the county. The legislature in 1929 amended the acts to permit the county to increase the payment to twenty dollars per month for boys[2] under seventeen and girls[3] under eighteen in the institutions. For the first time, the county may use its discretion within limits in determining whether to pay the prescribed minimum or to allow up to $20 for a child.

The schools are empowered to place children in the homes of any good citizens for such purposes, and upon such terms as may be agreed upon; or the children may be bound to reputable citizens as apprentices to learn any trade or as servants to follow any employment which in the judgment of the officers and trustees will be for their advantage; or they may be given to any suitable persons of good character for adoption. The officers and trustees are to exercise "supervising care" over placed-out children, to make sure that they are properly treated and cared for, and may remove them from foster-homes at any time.[4]

Toward the children remaining in the institution, the officers and trustees, who have "exclusive custody, care, and guardianship," have the duty to provide support and comfort and to instruct them in such branches of useful knowledge as may be suited to their years and capacity and "for the purpose of their education and training, and that they [the children] may assist in their own support, they

[1] The rates for girls have been $10 per month, 1879–1911; and $15, 1911–29. For boys they have been $8.00, $7.00, and $9.00 for boys under ten years, ten to fourteen years, and any crippled boy respectively (1883–95), $10, 1895–1929. *Illinois Revised Statutes* (Smith-Hurd), 1929, secs. 654, 669.

[2] *Illinois Laws*, 1929, p. 744.

[3] *Ibid.*, 1929, p. 729.

[4] *Ibid.*, secs. 656, 671.

shall be required to pursue such tasks suitable to their years and sex, as may be prescribed" by the officers and trustees. The girls are to be taught domestic vocations such as knitting, sewing, and housekeeping in all its departments; and the boys are to be taught or trained in some trade or industrial pursuit.[1]

The power of discharge of children committed to the care of industrial and training schools is vested in the schools, the governor of the state, and the court; but the degree of power varies. The governor may order the discharge of a child; the school may discharge a child whenever in the judgment of the officers and trustees the good of the child or of the school would be promoted by such action;[2] and the court may, "upon proper showing," order the discharge or return of a boy to his parents,[3] but it must show that the welfare and best interests of the girl will be served by discharge, and its power applies only to such girls as are in the institution. Furthermore, the president of the board of a girls' school must be notified of the application for discharge, and she may "appear and resist" it.[4]

Schools are subject to the same visitation, inspection, and supervision as charitable and penal institutions supported wholly by the state.[5] The girls' school act contains a clause prohibiting an industrial school from receiving an appropriation for any purpose from the state, upon penalty of forfeiting the benefits of the act. A similar provision in the boys' training school act was repealed in 1895 under circumstances already described.[6]

For more than forty years the so-called "industrial schools" were the only institutions to which payments from public funds might be made, but an amendment in 1923 makes other "associations" also eligible. The juvenile court law enacted in 1899 provided that the court might make one of several dispositions of a dependent child; viz., leave him in his own home, subject to the friendly supervision of a probation officer, appoint a "reputable citizen of good moral

[1] *Ibid.*, secs. 655, 670.

[2] *Ibid.*, secs. 658, 672.

[3] *Ibid.*, sec. 674.

[4] *Ibid.*, sec. 660.

[5] The girls' industrial school act adds "avoiding as far as practicable sectarianism." *Ibid.*, sec. 659.

[6] See above, pp. 84–85.

character" as his guardian who might place him in a suitable home or institution, commit him to an industrial school, a suitable state institution, or "to some association embracing in its objects the purpose of caring for or obtaining homes for neglected or dependent children, which association shall have been accredited" by the state central authority.[1] An amendment in 1923 adds that whenever a child is committed to an "association" the court may enter an order upon the county to pay an amount to be set by the court "for the tuition, maintenance, and care of such child," the money to be used by the association for that purpose only, and no charge to be made for a child put out to a trade or employment.[2] This amendment extends payments to associations not incorporated as industrial and training schools, and greatly broadens the scope of the county subsidy plan. Originating in Cook County, the measure was intended to extend the care of children in boarding-homes by enabling the county to pay child-placing societies for arranging such care. Other counties, however, have generally interpreted "associations" to mean institutions as well as child-placing societies.[3]

Origin and Purpose of the So-Called "Industrial School" Legislation

The more or less accidental way in which a state embarks upon a subsidy policy is well illustrated in the origin of the industrial school legislation in Illinois. The part that any interest group, such as a sectarian organization, plays in maintaining the *status quo* of such legislation, once enacted, is also demonstrated. Before the history of the movement is presented, it may be well to review briefly the state of child care about 1880 in the United States and Illinois.

The decade 1870–80 saw the establishment of systems of child-caring work under public auspices in several states, and marked the beginning of a series of laws removing children from almshouses.[4] Ohio as early as 1866 had instituted a permissive plan of county

[1] *Illinois Laws*, 1899, sec. 7, p. 133; sec. 13, p. 135.

[2] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 23, sec. 196.

[3] See chapters vi and vii.

[4] Homer Folks, *The Care of Destitute, Neglected and Delinquent Children* (New York: Macmillan Co., 1911), p. 44.

children's homes, and by 1880 nine counties were operating such institutions.[1] Michigan in 1874 had opened the first state school for all classes of destitute children.[2] Massachusetts in 1872 had abolished the adult almshouse department at the state primary school at Monson, but this institution cared for only the "unsettled" poor children, leaving the others to be provided for by the city or township in which they resided. Public care of dependent children with these exceptions was in mixed almshouses, where they mingled with the insane, feeble-minded, and degraded. New York and Wisconsin were the only states which had enacted laws before 1880 requiring the removal of children from almshouses.[3] Although many others soon followed their example, in Illinois it was 1919 before children were required to be removed,[4] for, in spite of efforts in 1897 and again in 1899, clauses to that effect were eliminated from pending bills.[5]

Private care for children about 1880 was largely in congregate institutions of various kinds. Sectarian groups had been active in organizing orphanages; and a few endowed institutions established by bequest, like Girard College, were already in existence. The orphan-asylum societies, under non-sectarian auspices, juvenile asylums caring for semidelinquents as well as dependents, and infant asylums were also well established. Most of these made more or less use of adoption, indenture, and placing-out in free, unsupervised homes.[6] The children's-aid-society movement, first organized by Mr. Charles L. Brace in New York in 1853, introduced a more systematic, supervised type of foster-home care, which had spread to Baltimore (1860), Boston (1865), Brooklyn (1866), and Buffalo (1872).[7]

The state of child-caring work in Illinois about 1880 was far from satisfactory. About 13 per cent of the inmates of the county almshouses were children, and almost twice that many were insane adults.[8] The institutions varied greatly in their facilities; and thirteen counties had no almshouses.

The superintendent of public instruction in 1875 made a plea in

[1] *Ibid.*, p. 73.

[2] *Ibid.*, p. 74.

[3] *Ibid.*, pp. 75, 77.

[4] *Illinois Laws*, 1919, p. 697.

[5] Folks, *op. cit.*, p. 80.

[6] *Ibid.*, p. 64.

[7] *Ibid.*, p. 65.

[8] *Report of the Board of State Commissioners of Public Charities, 1880*, p. 290.

his annual report for some state provision for orphan and abandoned children, stating,

> In many localities these children are obliged to beg from door to door, or are driven to small pilfering to secure a few pennies with which to buy a crust of bread. . . . . Hundreds of them are annually confined in the county poor house with no opportunity to receive the instruction which the school law contemplates for every child in the state.[1]

A casual mention in the report of the Board of Public Charities in 1886 gives a further glimpse of the wretched conditions under which dependent children were detained. The report describes the quarters that had been fitted up in the building in which the jail was situated in Cook County, where a dozen insane patients awaiting a court hearing could be detained.

> Across the hall is another and stronger ward . . . . for violent insane. . . . . This receptacle for the insane was opened on the seventh of March 1883, and up to the thirtieth of September 1886, there had been registered 2,753 inmates (of whom, however, not all were insane; *it is also used for the reception and confinement of dependent girls awaiting the hearing and order of the court.*)

The figures given indicate that about one hundred dependent girls were detained in this place of horror during the three and one-half years mentioned.[2]

The facilities for boys were slightly better than for girls because the state had provided a reform school for them, although it was in effect a juvenile prison.[3] It was fourteen years, however, before any public provision was made for girls; and seventeen years before the juvenile court law was enacted, giving special attention and protection to dependent and delinquent children.

Private child-caring organizations in 1880 numbered about twenty-three and were scattered over nine counties, namely, Adams, Alexander, Cook, Du Page, Henry, Morgan, Peoria, St. Clair, and Sangamon. The largest number, twelve, as would be expected, were located in or near Chicago.

Ten organizations might be described as non-sectarian, namely,

[1] *Report of the Superintendent of Public Instruction, Illinois, 1875–1876*, p. 419.

[2] *Report of the Board of State Commissioners of Public Charities, 1886*, p. 106. The italics are the writer's.

[3] *Ibid., 1884*, p. 169.

the Orphan Asylum for Southern Illinois at Cairo (1867), the Chicago Foundlings' Home (1871), Chicago Home for the Friendless (1859), Chicago Nursery and Half-Orphan Asylum (1860), the Illinois Industrial School for Girls (1877), the Illinois Humane Society (1869), all in Chicago; the Home for the Friendless (1876) at Peoria; the Woodland Home for Orphans and Friendless (1855) at Quincy; the Springfield Home for the Friendless (1863) at Springfield; and the Jacksonville Orphan's Home (1870) at Jacksonville. Whether all of these early associations were strictly non-sectarian cannot be easily determined. As Mr. Folks has stated,

> In name, organization and management the institution was not connected with any church organization. This type, well represented by the orphan asylum societies, would usually regard itself as non-sectarian, but by members of other than protestant churches it would be called sectarian and protestant.[1]

An even larger number of institutions, eleven, were definitely under sectarian auspices, five of them Catholic, three Lutheran, two Protestant of other denominations, and one Jewish. The Catholic institutions were: Angel Guardian German Catholic Orphan Society (1865), St. Joseph's Home of the Friendless (1876), both at Chicago; Angel Guardian Orphanage for Boys (1879) at Peoria; St. Aloysius Orphan Society (1852) at Quincy; and St. Agnes Orphan Asylum (1879) at Belleville. The Lutheran institutions were: the German Evangelical Lutheran Orphan's Home (1873) at Addison; the Orphans' Home and Farm School of the Scandinavian Lutheran Synod (1867) at Andover; and the Uhlich Evangelical Lutheran Orphanage (1867) at Chicago. The Protestant Orphan Asylum, established in 1849, was the first children's institution in the state. Another Protestant institution was St. Paul's Orphanage (1880) at Springfield. The one Jewish institution, the Deborah Home for Jewish Boys, was organized in 1872.

There were three private institutions in the state caring for "unprotected" girls and "fallen" or "erring" women. The first to be organized was the House of the Good Shepherd at Chicago, in 1859, which was followed three years later by the Erring Woman's Refuge,[2]

[1] *Op. cit.*, p. 56.

[2] Now the Chicago Home for Girls.

also at Chicago. In 1875 the Woman's Refuge for Reform was established at Peoria.[1]

Industrial education for the so-called "delinquent" or "semidelinquent" child as a positive reformatory method was recognized by 1880, and was reflected in the successive changes in title of schools from "refuge" to "reformatory" and finally to "industrial school."[2] Undoubtedly the visit to the United States in 1873 of Miss Mary Carpenter, the English pioneer in the introduction of industrial training for neglected and delinquent children, had stimulated interest in the possibilities of this type of education. Miss Carpenter during her visit had inspected prisons and reformatories, and had spoken in 1874 before the National Prison Congress, on "Suggestions on Reformatory Schools and Prison Discipline, Founded on Observations Made during a Visit to the United States." In 1875 a paper prepared by her, entitled "What Should Be Done for the Neglected and Criminal Children of the United States?" was read before the National Conference of Charities and Corrections.[3] Another development which may have influenced the founders of the Illinois Industrial School for Girls was the interest in manual training engendered by the Russian educational exhibit at the Centennial Exposition in Philadelphia.[4] By 1876 there were at least thirty-six so-called "industrial schools," scattered over seventeen states.[5]

The founders of the Illinois Industrial School for Girls apparently intended their institution to meet the need now covered by the State Training School for Girls. In 1877, Illinois maintained a Reform School for Boys at Pontiac, but did not admit girls for lack of space, and their only refuge was jails, asylums, and almshouses.[6] Mrs. Louisa R. Wardner, of Cairo, Illinois, had become interested in the

[1] *Report of the Board of State Commissioners of Public Charities, 1884*, pp. 270 ff.; *United States Census, 1923*, "Children under Institutional Care," pp. 60 ff.

[2] Folks, *op. cit.*, p. 226.

[3] *Transactions of the Third National Prison Reform Congress* (1874), p. 157; *National Conference of Charities and Corrections, 1875*, pp. 66–77.

[4] Paul Douglas, *American Apprenticeship and Industrial Education* (New York: Columbia University, 1921), p. 177.

[5] *Report of the Commissioner of Education of the United States, 1876*, p. cxlvii.

[6] Mrs. Helen Beveridge, "Debate on the Care of Children," *National Conference of Charities and Corrections, 1881*, p. 276.

problem of dependent girls as a result of the difficulty she and her friends in southern Illinois experienced in placing girls over twelve years of age who were released at that age by a local orphanage. She visited Protestant and Catholic institutions as well as the state reform and industrial school for boys at Waukesha, Wisconsin, but nowhere did she find any provision for girls over twelve who were liable to become delinquent if neglected.[1]

When, therefore, the Illinois Woman's Centennial Association of which Mrs. Wardner was a member, found itself with $500 in the treasury at the close of the Philadelphia Centennial Exposition in 1876, Mrs. Wardner proposed that the money be used to establish a school "for the training and industrial education of homeless and dependent girls from all parts of the state."[2] The idea was enthusiastically received. In May "representative women from many sections of the State met and concluded the organization," and in October it was incorporated. Among the first officers were Mrs. Wardner, as president, and Mrs. Myra Bradwell, treasurer.[3]

The problem of finding girls to enter the School was very simple but the matter of financing the institution was difficult. Seven girls were enrolled when the School was opened, and the number increased to forty-one before the end of the first year. The girls spent four hours each morning at "industrial" work, and three hours in the afternoon at school work. Girls who misbehaved were locked in rooms on a bread-and-water diet; and the small ones were sometimes punished "corporeally, by the hand."[4] Weekly bathing was required. The staff consisted of a superintendent, two teachers, one for sewing and one for academic instruction, and a supervisor in the "domestic department."[5]

The organization for maintaining the institution was state-wide, with a vice-president in each congressional district, and a board of twelve trustees on which the governor and other state officials were

[1] "Mrs. Wardner on Reform Schools for Girls," *National Conference of Charities and Corrections, 1878*, p. 192.

[2] *Annual Report, Illinois Industrial School for Girls, 1885*, p. 5.

[3] *Ibid.*

[4] *Report of the Board of State Commissioners of Public Charities, 1884*, p. 278.

[5] *Annual Report, Illinois Industrial School for Girls, 1885*, p. 6.

invited to serve as ex officio members. The only source of income was a one dollar annual membership,[1] which was so inadequate that it was "only by the most untiring exertions of the founders of the institution that its life was maintained."[2]

Another problem facing the association was its lack of legal power to retain girls committed to it. To find a solution to this limitation, as well as to the pressing financial problem, the board of trustees appointed Judge and Mrs. Bradwell and ex-Governor Beveridge as a committee to consider these matters. The outcome was the drafting of a bill which later became the industrial school for girls act.[3] When the bill was presented to the legislature, "through the courtesy of Governor Collum (he also making an eloquent appeal in its behalf) Mesdames Wardner, Beveridge, and Tisdale were enabled to speak . . . . before the Senate and the House. It was passed, with some opposition of course, and July 1, 1879, it became a law"[4] It is interesting to note that opposition to the bill was not directed against the payment of public funds to a private institution but against permitting the School to retain the control of children because of dependency when their "only misfortune is that they are poor" and when "children of respectable parentage would be placed with those of the depraved classes."[5]

The permanence of the School was assured after the passage of this act, which gave them a certain minimum income from the county for girls committed by the court. The Soldiers' Home board allowed the use of an old building at Evanston which they expected to occupy only temporarily, and in 1883 they purchased forty acres of land at Park Ridge, the present site of the School.[6] On account of lack of funds with which to build and because of a shift in management, however, the institution remained for thirty-five years in its original, unsuitable quarters.

[1] *National Conference of Charities and Corrections, 1881*, p. 277.

[2] *Annual Report, Illinois Industrial School for Girls, 1885*, p. 6.

[3] *Annals, Chicago Woman's Club, 1876–1916*, p. 271.

[4] *Annual Report, Illinois Industrial School for Girls, 1885*, p. 6.

[5] The *Chicago Tribune*, April 25, 1879, p. 6.

[6] The purchase price of the land was $8,000, of which $3,000 was donated by Mrs. Mancell Talcott on the condition that the site be selected fifteen miles from Chicago. *Annual Report, Illinois Industrial School for Girls, 1884.*

According to Mrs. Wardner, the Illinois Industrial School for Girls was patterned after the Connecticut Industrial School, which had been organized by a group of New Haven women to care for "vagrant girls" who appeared daily in the police court.[1] This group had first proposed that the state provide such an institution; but when the legislature refused, they organized the school and applied for state aid. Both the state and the town of Middletown made appropriations regularly until 1921, when it became a state institution.[2]

The development in Illinois might have been similar if the plans of the founders had carried and if legislation secured by a religious group, for the organization of boys' training schools, had not intervened.

An effort was made in 1886 to have the state assume the support and take over the work of the Illinois Industrial School for Girls, when the board prepared a bill, introduced in the legislature, "for the maintenance and training of such girls as should be wards of the State."[3] Reasons given for this step were that "no private institution can successfully carry [on the work] without large endowments, so difficult to be secured."[4] The bill did not receive the unqualified support of the Board of State Commissioners of Public Charities,[5] and it failed to pass the legislature.

In the meantime, the Catholic archbishop of Chicago, Patrick A. Feehan, had organized St. Mary's Training School for Boys at Des Plaines, near Chicago; and in the following year representatives of this institution had secured the passage of a law similar to the industrial school for girls act of 1879. The bill, when introduced, was referred to as the "Feehanville Training School Bill."[6] It contained a clause which provoked a "religious discussion" in the senate before it was finally stricken out by that body. The section provided that the court, "in making the order committing a dependent boy to the

[1] *National Conference of Charities and Corrections, 1878*, p. 192.

[2] The name was then changed to "Long Lane Farm." *Connecticut Public Documents*, 1922, Document 43, p. 5.

[3] *Annual Report, Illinois Industrial School for Girls, 1886*, p. 5.

[4] *Ibid.*

[5] *Report, State Commissioners of Public Charities, 1886*, pp. 82–84.

[6] The *Chicago Tribune*, June 14, 1883, p. 3.

proposed school, shall have regard to the boy's religion, and whenever practicable assign him to a school, where he will be in charge of persons of the same religious belief as that to which the boy does or should belong, whether such training school be located in the same or some other county." "It was urged by Senator Hunt and others that this rather peculiar provision was calculated to foster sectarian schools, and that the legislature should steer entirely clear of that rock."[1] With this clause omitted, the bill was passed; and the training school for boys act went into effect July 1, 1883. The omission of this specific provision did not prevent the schools from developing along sectarian lines, however. In fact, the practice in Cook County by 1886 was to assign a child to an institution according to his religion.[2] In 1929 there were twenty-seven industrial and training schools in the state well established, of which only six were under non-sectarian control.

Several sections of the juvenile court law enacted in 1899 can be traced to the influence of the earlier industrial school legislation. One of these is a clause similar to that proposed for the training school act, and requires the court to observe the religious preference of the parents in committing children.[3] The most important provision, however, in the seriousness of its effects, is section 20 which states that nothing in the law shall be interpreted as repealing any portion of the industrial and training school acts, and that "in all commitments to said institutions, the acts in reference to said institutions may govern the same."[4] When it is recalled that the jurisdiction of the industrial schools was made even broader than the court's,[5] the hindrance presented to the satisfactory development of children's courts, by the retention of this power in the institutions, can readily be understood.[6]

[1] *Ibid.*

[2] *Report of the Board of State Commissioners of Public Charities, 1886*, p. 79.

[3] "The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child or with some association which is controlled by persons of like religious faith of the parents of the said child." *Illinois Laws*, 1899, sec. 17, p. 137. Such a provision had appeared in the New York Children's Law in 1875, *N.Y. Laws*, chap. 173, sec. 2.

[4] *Ill. Laws*, 1899, sec. 20, p. 137.

[5] See above, p. 90.

[6] See chapter vi for a discussion of the difficulties that have arisen in Cook County.

That the training school for boys act was regarded as an educational measure is indicated by an editorial in the *Chicago Tribune* which, after approving the first state-wide compulsory education act passed by the legislature of 1883, adds:

> The supplementary bill which provides for sending young street waifs, beggars, and vagrants who have no proper parental care or guardianship to training schools is also a good measure. With such acts as these, reinforced by the manual-training school system which will soon be inaugurated in Chicago and is bound to spread, educational matters in the State may be said to take a long step forward.[1]

Although the superintendent of public instruction has as one of his duties the visitation of such of the charitable institutions of the state as are educational in their character, the examination of their facilities for instruction, and the prescribing of forms for such reports as he may desire,[2] and although the industrial and training school acts state that these institutions are subject to the same supervision as the state charitable institutions, the superintendent has never performed these duties except upon request.[3] In the past twenty-two years he has been requested two or three times to examine some of the educational work of certain state institutions and has been glad to do so. He states: "A member of the present administration in the Department of Public Welfare has assured me that he desires the closest co-operation between this office and the Department of Public Welfare in relation to these educational institutions."[4] The superintendent is also instructed to collect information about all of the private educational institutions in the state, and since 1875 he has published such a record annually. Two of the industrial schools are reported between 1880 and 1890, but none is recorded since that date.

Policy of the State Central Authorities in Respect to Subsidies

It is interesting to find that, although the legislature made payments from county funds mandatory for children committed to industrial schools, neither the Board of State Commissioners of Public

[1] The *Chicago Tribune*, June 22, 1883, p. 4.

[2] *Illinois Laws*, 1875, sec. 31, p. 110.

[3] Letter from Mr. Francis G. Blair, September 5, 1929.

[4] *Ibid.*

Charities (1869–1909), the State Charities Commission (1909–17), nor the Department of Public Welfare (1917—) has favored state or local payments to private organizations. Constitutional provisions prohibiting the appropriation of public funds to sectarian associations have proved ineffective in Illinois and elsewhere when public officials and public opinion have not been strong enough to enforce them, as several court decisions bear witness.[1]

The fact that Illinois for twenty-four consecutive years had, as secretary of the Board of State Commissioners of Public Charities, a man of strong convictions and marked executive ability, accounts in part, probably, for the policy of the state in regard to subsidies.[2] Mr. Wines and the Board were outspoken in their disapproval of the industrial and training school acts as they were administered, and steadfastly advocated state care for dependent children. In view of this long and influential service, it may be worth while to review briefly the opinions of the Board concerning the relation of the state to private institutions and agencies during his secretaryship.

The attitude of Mr. Wines and of the Board toward the industrial school legislation was at first favorable, or at least open-minded.[3] By 1886, however, they had become convinced that in Cook County, at least, the law was not being properly administered. Charges were made that the Chicago Industrial School for Girls, a Catholic institution incorporated in 1885, had only a nominal existence, serving in reality as a connecting link between the county court and three Catholic institutions: the House of the Good Shepherd, St. Joseph's Orphan Asylum, and St. Vincent's Foundlings' Home.[4] Their agent, an attorney, was said to appear in the county court on the days when petitions for dependent girls were under consideration, and, in accordance with the policy of the court, to take possession of all dependent girls of Catholic origin, assigning them to one or other

[1] For example, *Collins, Appellant*, v. *Kephart et al.* (1921), 271 Penn. 432 and *Dunn* v. *Chicago Industrial School for Girls* (1917), 280 Ill. 613.

[2] Mr. Frederick Howard Wines, the son of the great prison reformer, E. G. Wines, was secretary of the Board from its organization in 1869 to 1893, and again from 1897 to 1899. He returned in 1909 as statistician of the newly organized Board of Administration, serving until his death in 1912.

[3] *Report of the Board of State Commissioners of Public Charities, 1880*, p. 107.

[4] *Ibid., 1886*, p. 79.

of the three institutions. His fee, collected from the institutions, was five dollars for each child committed.[1] This practice was attacked as being in violation of the constitutional provision forbidding the appropriation of public money in aid of a sectarian purpose, and as being inconsistent with the letter and spirit of the industrial act itself, which read, "avoiding as far as practicable sectarianism, provision shall be made for the moral and religious instruction of the inmates of the industrial school for girls in this state."[2] The conclusion of the Board was, "If the construction placed upon the law in practice, by the county court of Cook county, is correct, then we should unhesitatingly recommend the repeal of the present act. . . . ."[3]

When the Supreme Court in 1888 held that payment to the Chicago Industrial School for Girls was in violation of the constitutional prohibition against aid to sectarian associations,[4] the Board published the decision in full in its biennial report and devoted eleven pages to an analysis of the decision with comments.[5] They stated:

> We are glad that this question as to the meaning and intent of the industrial school act has been decided. . . . . It will, however, be observed that there are questions relating to these acts, which are not yet decided. The probability of additional litigation over them if they are allowed to remain upon the statute books unrepealed is very strong. We felt, when the act of 1879 was under consideration by the general assembly, that such legislation was dangerous and inexpedient. It would then have been impossible to make the perils concealed in it apparent. They will become clearer, the longer the act remains in force.[6]

There are some who would agree that these fears were not entirely unfounded.

At the same time, the Board, under the leadership of Mr. Wines, pointed out the duty which the state has for the care of dependent and neglected children, and declared its belief in the desirability of

[1] *Ibid.*

[2] *Ibid.*, p. 81.

[3] *Ibid.*, p. 80.

[4] *County of Cook* v. *The Chicago Industrial School for Girls* (1888), 125 Ill. 540. See below, p. 107.

[5] *Report of the Board of State Commissioners of Public Charities, 1888*, pp. 76–86, 272–92.

[6] *Ibid.*, p. 85.

keeping public and private charity quite independent of one another:

The federal government shirks its duty when it allows the states to assume the care of the infirm heroes of the civil war, and when it places federal convicts in state prisons for custody and discipline. The states which put the care of their unfortunate and criminal classes off upon the counties display a similar weakness. And it is an evasion of responsibility for our own state to encourage or even to permit the formation of private institutions, which can only live by the receipt of a subsidy from the state or county treasury.

. . . . The state should never do what private charity is ready and willing to do, any more than it should do for an individual what he is able to do for himself. . . . . But the government should never go into partnership with any individual or corporation in the transaction of business which properly belongs to the government. . . . . If private persons undertake some form of charitable work, let them find the money with which to carry on, without calling on the government for an appropriation to enable them to dispense with the effort required for success in their undertaking, and at the same time evade responsibility for the expenditure of public funds. If a private charity cannot be sustained without a governmental subsidy, it is usually either because the demand for it does not impress the public or else because the public has not confidence in its management. Work to which the state grants pecuniary aid should be wholly under the control of the state, and it should be done by officers and employes of the state, in buildings owned by the state.[1]

This view seems to have prevailed with various state boards of public charities, long after Mr. Wines ceased to be the secretary. The duties of supervising children placed in family homes or in institutions were transferred to the State Charities Commission when the Board of Administration was created in 1909. This Commission, with Mr. A. L. Bowen as secretary, recommended in strong language that the state assume complete responsibility for dependent children, declaring that, although the state had made provision for the care of the blind, deaf, delinquent, feeble-minded children, soldiers' orphans, and dependent children found in almshouses, it left the normal dependent child "outside the pale."

His care and training the State has left to the tender mercies of loosely jointed irresponsible and inadequately supervised private organizations with a wide variety of motives and peculiarities. . . . . The chartering and certification of the so-called private institution either to train or to place out dependent children, should cease, and the complete responsibility for them be assumed by the State.[2]

[1] *Ibid.*, pp. 85–86. [2] *Report of the Illinois State Charities Commission, 1911*, pp. 8–12.

The report charged that the industrial schools receiving payments from the county for the children given care were constantly urged by the boards of supervisors to place children in homes in order to get them off the county support.

> Hence placement is often made without proper inspection of the home to which children are to be sent, after-inspection by the institution soon degenerates and records become disarranged and finally are suspended. The child is lost.[1]

Findings and recommendations of similar tenor were made in 1920 by the Children's Committee appointed by the director of the Department of Public Welfare.[2]

A subcommittee on dependent children in institutions[3] studied the relation of the public authority to private agencies. They reported that 111 organizations were caring for approximately 15,000 children each year, about 10,000 of whom remained in institutions at the close of the year 1919. Only 5 institutions were under state, county, or municipal auspices, 4 were home-finding associations, 24 were industrial and training schools, and 54 were children's homes and orphanages. More than 50 per cent of the organizations and more than 60 per cent of the children were under sectarian control. The Committee stated:

> The present system of institutional care of dependents appears to the committee to be somewhat chaotic and superficial. . . . . There are no definite standards for admission of children to the institutions, no standards of child care while there, and no uniformity of purpose or method of release and aftercare. There is a lack of comprehensive, constructive policy on the part of the state.[4]

Concerning the work of the so-called "industrial and training schools," the Committee reported:

> One type of organization—training schools for boys and industrial schools for girls—would appear to be especially favored. . . . . These schools, 24 in number (21 per cent) are caring for 6,000 children—40 per cent of the total

[1] This was found actually to have happened when the Hotchkiss Committee made an investigation in 1911. For a discussion of the situation as disclosed in Cook County, see below, chapter vi.

[2] For a description of this committee see above, pp. 73–74.

[3] The members of this committee were Leo A. Philips, Miss Minnie Low, Mrs. Harry L. Fleming, Mrs. John T. Mason, and Mrs. Arthur Thistlewood.

[4] *Report of the Illinois Department of Public Welfare, 1920*, p. 322.

cared for by the 111 organizations. Lack of supervision and standards has permitted some schools to receive county funds because they are classified as industrial when they have complied with the law in name only—having neither adequate equipment, nor teaching force, nor children of proper age to benefit by industrial training. One of the objections to the present law is that it discriminates against other private institutions and schools doing similar work but not calling themselves industrial schools, while this fact makes it very difficult to secure the support of a dependent child from public funds without commitment to an industrial or manual training school. It allows children who are much too young for industrial opportunities to be sent to these schools, which are, or should be, especially equipped for vocational instruction, thus defeating the original purpose of the school (training for vocation) and at the same time denying the young child the special care and instruction suited to its years.

The question of public subsidy of private institutions has many sides. It tends at least toward the grouping of children in large institutions, which is not desirable, and takes away some of the incentive toward the placing of dependent children in private homes. Public subsidy on the other hand tends toward the providing of exceptional educational and vocational opportunities as illustrated by the equipment and program of some of the schools.[1]

As a remedy for this state of affairs, the recommendation was made that "the visitation, inspection and supervision of training schools for boys and industrial schools for girls should be made sufficiently thorough to insure the carrying out of the provisions of the laws and the intent of the laws under which they are organized."[2] It was also recommended that the Department of Public Welfare arrange conferences at stated intervals with the institutions and agencies caring for dependent children.

The State owes a much larger duty to private institutions and to children in private institutions than it has ever assumed. . . . . The State is in duty bound to suggest, encourage and insist upon the development of higher standards of child care.

Other recommendations of the Committee were the establishment of a division of child welfare in the Department, and the adoption of a children's code.

Governor Small succeeded Governor Lowden in 1921, and nothing came of the recommendations of the Children's Committee except the appointment of a superintendent of child welfare.[3]

[1] *Ibid.*

[2] *Ibid.*, p. 323.

[3] See above, p. 74.

It is evident from the preceding data that the state central authority has more or less consistently opposed public financial support to private organizations, and at the same time has declared the responsibility of the state for the care of dependent children, although it has never undertaken a comprehensive program of public care.

The Interpretation of the Industrial School Legislation by the Illinois Supreme Court

The Supreme Court of Illinois has been called upon at least nine times to interpret section 3 of article viii of the constitution as it relates to the industrial school acts. The periodicity of the actions at law and the change of attitude on the part of the Court between 1882 and 1917 are of sufficient significance to warrant an examination of the various decisions.

In two actions brought in 1882—one by an individual[1] and the other by a county[2]—the Supreme Court was of the opinion that the industrial school for girls act did not violate the constitutional prohibition against aid to sectarian institutions. The Illinois Industrial School for Girls, the institution involved in both suits, was declared to be non-sectarian; and the relationship of the state to dependent children was set forth as follows:

> Mr. Justice Sheldon *in re-Ferrier*, in delivering the opinion of the Court, declared "The power conferred under the act in question upon the county court is but of the same character as the jurisdiction exercised by the court of chancery over the persons and property of infants, having foundation in the prerogative of the Crown, flowing from its general power and duty, as parens patriae, to protect those who have no other lawful protector."
>
> In *McLean* v. *Humphreys*, Mr. Justice Mulkey stated "It is the unquestioned right and imperative duty of every enlightened government, in its character of parens patriae, to protect and provide for the comfort and well-being of such of its citizens as, by reason of infancy, defective understanding or other misfortune or infirmity, are unable to take care of themselves. The performance of this duty is justly regarded as one of the most important of all governmental functions and all constitutional limitations must be so understood and construed as not to interfere with its proper and legitimate exercise."

[1] Petition of *Alexander Ferrier* (1882), 103 Ill. 367.

[2] *County of McLean* v. *Laura B. Humphreys* (1882), 104 Ill. 378.

An interpretation of section 3 of article viii was again necessary in 1888, when Cook County refused to pay a bill of $19,583 for "tuition, maintenance, and clothing" for 73 dependent girls committed by the county court to the Chicago Industrial School for Girls. The latter was proved to be a paper organization, formed by two Catholic institutions by whom all children committed were cared for. The Supreme Court held:

> The Chicago Industrial School for Girls, a corporation having no building of its own, placed all girls committed to it by the county court, in the House of the Good Shepherd, and St. Joseph's Orphan Asylum,—institutions under two orders of the Roman Catholic Church,—which furnished them with clothing and tuition, and received all the pay allowed therefor by the county. It also appeared that the officers of the industrial school were also officers of the two institutions named, and that the doctrines of the Roman Catholic church were taught therein to some of their pupils: *Held*, in a suit by the industrial school against the county, to recover for the price of charge and custody, that the money sought to be recovered would be a payment in support of schools controlled by a church, and in aid of a sectarian purpose, and that the action would not lie.[1]
>
> The constitutional prohibition against the appropriation of public moneys in aid of any church or sectarian purpose, is not confined to gifts or donations, but applies equally to cases where the payment sought to be made is for services rendered.[2]

The Court further declared that a payment for services rendered was in "aid" of the institution, just as payment by the customer to a merchant was an aid to his business—a view which the Court modified in 1917.

In spite of the decision of 1888, Cook County continued to contract with sectarian institutions for the care of dependent children; and in 1893 Edward A. Stevens and other taxpayers brought suit to enjoin St. Mary's Training School for Boys from claiming compensation, or the county from granting compensation, for the care of dependent children committed by the court, from Cook County. The bill alleged that the School was sectarian, that the county board had contracted with it for several years, "that by means thereof large sums of money have been misappropriated unwarrantably and in contempt of said constitutional provision." The Supreme Court

[1] *County of Cook* v. *Chicago Industrial School for Girls* (1888), 125 Ill. 541.

[2] *Ibid.*, p. 541.

held that the courts could not interfere with the county when it was acting within the limits of certain powers intrusted to it by the state to be exercised in the discretion of the county; and stated:

> The court cannot assume in advance that the county board will ignore the real facts and violate the fundamental law by making illegal contracts or payments. It is time enough for a court of equity to interfere when the attempt is made to enforce the unconstitutional act.[1]

This comment upon section 3 of article viii was made, however:

> The county boards in this state have no power to appropriate county funds in aid or support of sectarian schools, or of any school controlled by a church or religious denomination, as that is prohibited in express terms by section 3 of article 8 of the constitution.

Although the arrangement was unsatisfactory, Cook County continued to commit dependent children to the sectarian schools, and in 1915 suit was again brought by taxpayers to test the constitutionality of such action. The opinion of the Supreme Court, delivered in 1917 by Mr. Justice Cartwright, has stood as a precedent upon which decisions have been based in five subsequent suits, although the reasoning seems equivocal when compared with the decisions rendered previous to 1917. This important opinion in *William H. Dunn* v. *Chicago Industrial School for Girls*[2] was concerned with the same institution that in 1888 had been found to be a paper organization but which subsequently had acquired grounds, buildings, and equipment, having in 1917 an average attendance of 356 girls between the ages of three and eighteen years. The majority of the teachers were Catholic sisters, and all inmates were required to attend Catholic services. In answer to the appellee's argument that the payment of public funds to a school under church or sectarian control was a violation of the constitution even when it was made in payment for services rendered, Mr. Justice Cartwright stated:

> It would be contrary to the letter and spirit of the constitution to exclude from religious exercises the members of any denomination when the State assumes their control or to prevent the children of members from receiving the religious instruction which they would have received at home. The constitutional prohibition against furnishing aid or preference to any church or sect is to be rigidly enforced, but it is contrary to fact and reason to say that paying

[1] *Edward A. Stevens et al.* v. *St. Mary's Training School* (1893), 144 Ill. 336.

[2] 280 Ill. 613.

less than the actual cost of clothing, medical care and attention, education and training in useful arts and domestic sciences, is aiding the institution where such things are furnished.

In distinguishing this opinion from that of 1888 in *County of Cook* v. *Chicago Industrial School for Girls*,[1] he maintained:

It did not then appear that such payment would not be an aid to the Catholic church or its sectarian purposes, and the payment for board was likened to the aid given to a merchant in paying for his goods. If there were no difference, in fact, ... the decision in that case would apply, but upon the plainest grounds no aid is given to an industrial school where the payment is less than the actual cost, aside from and regardless of any religious instruction or religious exercise. It costs the State $28.88 per month for each girl in a similar institution maintained by the State, and it is the State, and not the industrial school, that is benefited by the payment of less than the cost of food, clothing, medical care and attention and education and training in the useful arts and domestic science. Such payment does not violate any provision of the constitution.

In other words, payments made in return for services rendered constitute "aid" according to the earlier opinion, but payments of less than the cost of services rendered are not "aid" in the opinion of the Court in 1917.

Three[2] of the five suits that were brought between 1917 and 1919 were decided entirely upon and in accordance with the precedent of the opinion in *Dunn* v. *Chicago Industrial School for Girls*. The opinion on the two other suits[3] considered also the constitutionality of requiring the county to pay for the care of children committed to industrial and training schools, a question that had been mentioned in earlier cases but never directly decided. In *St. Hedwig's School* v. *Cook County*, the Court held:

Section 9 of the act requiring the county to pay for the care of dependent girls at industrial schools does not violate section 10 of article 9 of the constitution, providing that the General Assembly shall not impose taxes upon municipal corporations for corporate purposes, as such expense is not only for a local purpose but is also a means of discharging obligations resting upon the state.

[1] 125 Ill. 540.

[2] *Wm. H. Dunn* v. *Addison Manual Training School for Boys* (1917), 281 Ill. 352; *Wm. J. Trost et al.* v. *Ketteler Manual Training School for Boys; same* v. *Catharina Kasper Industrial School for Girls* (1918), 282 Ill. 504.

[3] *St. Hedwig's Industrial School for Girls* v. *Cook County; Polish Manual Training School for Boys* v. *Cook County* (1919), 289 Ill. 432.

A county is a mere agent of the state, and the power of the General Assembly is paramount over the property of citizens in such political sub-divisions as to all provision for the exercise of police powers.

It is of interest that the liberal construction described above, of section 3 of article viii of the constitution of 1870 was apparently adopted by the framers of the proposed constitution of 1922, which was rejected. The limitation of public payments to private sectarian institutions was stated as follows:

Except in payment of temporary rent, of temporary hospital service, of purchase price or (in the event and only in the event that public institutions or agencies are not adequate or available) of not to exceed the cost of temporarily maintaining and supporting during their terms of commitment, neglected, defective, dependent or delinquent persons committed by courts of competent jurisdiction to institutions or agencies under public inspection, no public money shall be paid or other public property be given or applied for any sectarian purpose or to any institution controlled by a church or sect.[1]

To summarize, then, it would appear that the constitutional provision forbidding the use of public funds in aid of private sectarian institutions or purposes has been strictly observed by the state legislature, and that, accordingly, no appropriation has been made to any private charitable institution, sectarian or non-sectarian, since 1870. The state central authority under various forms of organization has strengthened this position by regularly recommending that the state steer clear of a policy of public aid to private organizations, and at the same time has insisted that the state has a duty toward dependent children which should be discharged by a comprehensive program of state care.

The legislature has not been averse to the counties giving aid to private organizations, however. The earliest legislation in this direction were the industrial and training school acts enacted in 1879 and 1883, respectively, by the provisions of which the counties are required to pay for each boy or girl committed by the court to the care of a so-called "industrial school for girls" or "training school for boys." The recent amendment (1929) to permit payments of $20 would seem to give the system new vigor. In 1923 the legislature added the requirement that the counties pay also for children whom

[1] Chicago Bureau of Public Efficiency, *The Proposed New Constitution for Illinois*, sec. 159, p. 63.

the juvenile court might commit to an "association" for care or for placement in a boarding-home. Legislation in 1905 and 1913 made permissive the payment by the counties or cities for the care of the sick in private hospitals or under private nursing service.

In interpreting the industrial school legislation in relation to the constitutional prohibition of aid to sectarian institutions, the Illinois Supreme Court for many years inclined to the view that payments by the counties for the care of dependent children in the industrial and training schools under sectarian auspices was in violation of section 3 of article viii of the constitution. In 1917 the Court made a distinction which is not easy to follow, stating that payment by a county of less than the cost of service rendered to it by the institution does not constitute "aid," and hence is not in violation of the constitution.

CHAPTER V

PAYMENTS FROM PUBLIC FUNDS TO PRIVATE CHARITIES IN COOK COUNTY

The administration of laws relating to payments of public money to private charitable organizations is discussed separately for Cook County because it is here that the practice assumes important proportions. One-half of the population of the state, or almost four million people, are to be found in this county, of whom 90 per cent are in the city of Chicago. Cook County and its environs, therefore, constitute a metropolitan region in which governmental and social problems are greater and more complex than in the rest of the state, which is predominantly rural. The legislature has accordingly been forced to enact special legislation for the organization of government and the handling of social problems peculiar to the neighborhood of large cities.

The Government of Cook County

When Cook County was organized in 1831, the township form of government was adopted; but the constitution of 1870, in recognition of the special needs of this rapidly growing section of the state, provided that the governing board should consist of fifteen commissioners, ten to be elected from the city of Chicago and five from the towns outside.[1] The government is, therefore, a combination of county commissioner and township forms.

There are thirty-eight townships in the county, eight within the city of Chicago and thirty outside. The latter are organized as are other townships with elected officers, the most important one being the township assessor, who determines the value of property to be taxed. The eight towns entirely within Chicago have no separate government, but certain of the functions of township officers are performed by the county officers. For example, a board of five assessors, elected by the legal voters of the county, executes for Chi-

[1] *Constitution of Illinois* (1870), art. x, sec. 7.

cago the duties performed by the township assessors in the thirty towns outside.[1] In addition to the difficulties presented by these decentralized units, efficient government has been hindered by a practice of setting up a new type of local government for each new type of activity undertaken. "The result is that within the city of Chicago there are thirty-three distinct and independent local governments and in Cook County outside the city of Chicago there are approximately 370 additional independent governmental agencies."[2]

The county as a governmental unit has certain elected officers among whom authority is divided, further complicating good administration. The president of the Board of County Commissioners is the real executive head of the county, chosen directly by the voters[3] and given certain powers of veto[4] and appointment.[5] So much of the county's expense, however, is connected with the elective officers that the president controls only a portion of the county activities and expenditures. The treasurer, for example, who is supervisor of assessments and collector of taxes, is an elected official independent of the Board of County Commissioners. The comptroller, likewise, is independent of the Board, acting as a representative of the county clerk, an elected officer. He is also ex officio auditor of the county and disburses the funds on the authorization of the Board. Other elected officers are the county judge; the state's attorney, who is legal adviser to the Board; the sheriff; the coroner; the clerk of the circuit court; and the county superintendent of schools.[6]

The activities of the county center around revenue and care of the disadvantaged classes. The Board is empowered to levy taxes within constitutional[7] and statutory limits;[8] to provide and supervise coun-

[1] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 139, sec. 134.

[2] Chicago Institute of Local Politics, *The Government Planning Association of Chicago and the Metropolitan Area* (January, 1928), p. 6.

[3] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 34, sec. 61.

[4] *Ibid.*, sec. 64(3).

[5] *Ibid.*, sec. 64(10) and (20); 67.

[6] Walter F. and Sue H. Dodd, *Government in Illinois* (Chicago: University of Chicago Press, 1923), p. 217.

[7] *Constitution of Illinois*, art. ix, secs. 8, 12.

[8] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 120, secs. 329–30.

ty buildings and other property;[1] to maintain and supervise poor farms,[2] jails,[3] workhouses,[4] detention homes for children,[5] and hospitals for the sick;[6] to pay pensions to the blind,[7] and, in co-operation with the juvenile court, to administer pensions for indigent mothers with children under sixteen years of age.[8]

One of the handicaps under which the county has labored in raising revenue has been the system of decentralized assessment which has rendered the exact income from year to year uncertain. This,

TABLE III

GROWTH OF POPULATION IN COOK COUNTY AND ILLINOIS, 1880–1920;* 1920–30†

AREA	POPULATION BY TWENTY-YEAR PERIODS			PER CENT INCREASE BY TWENTY-YEAR PERIODS AND FOR 1920–30		
	1880	1900	1920	1880–1900	1900–1920	1920–1930
Cook County...	607,524	1,838,735	3,053,017	203	66	30
Illinois.....	3,077,871	4,821,550	6,485,280	57	34	17

* Figures are from the *United States Census, 1920*, p. 101.

† *Chicago Daily Tribune*, August 17, 1930.

combined with the fact that about 75 per cent of the taxes to be collected each year must be expended before collection, has made county finance a serious problem. In 1920 President Reinberg predicted a possible deficit of more than $2,000,000, although bonds aggregating almost two millions were outstanding.[9] The rapid increase in population has not lessened the administrative problems nor the demands for services of various kinds. As Table III reveals, the population in Cook County during the twenty-year period, 1880–1900, increased 146 per cent more than the state as a whole;

[1] *Ibid.*, chap. 34, sec. 26.

[2] *Ibid.*, chap. 107, sec. 37.

[3] *Ibid.*, chap. 34, sec. 26.

[4] *Ibid.*, sec. 25(4).

[5] *Ibid.*, chap. 23, sec. 304. The voters of the county must first approve the act.

[6] *Ibid.*, chap. 34, sec. 24(5), (7).

[7] *Ibid.*, chap. 23, sec. 286. The state pays one-half the pension.

[8] *Ibid.*, sec. 330. A state fund for the aid of counties, administered through the Department of Public Welfare, was created in 1929 (*Laws*, p. 198).

[9] *Proceedings, Board of Commissioners, Cook County, 1920–1921*, p. 9.

and during the next twenty years, 1900–1920, increased 32 per cent more. To make matters worse, the state legislature has often been tardy in enacting special legislation to meet the needs of a rapidly growing metropolitan area. Confusion and mismanagement have resulted, so that presidents of the Board have been declaring for twenty-five years that the county has about reached the "end of its financial rope."[1]

Matters came to a climax in the spring of 1930 as the outcome of action by the state legislature in the summer of 1928, calling for a reassessment of the 1927 tax valuations in Cook County.[2] They had been so scandalously inequitable that the legislature had been called upon to intervene. Its action met with such opposition and delay, however, that it is estimated that it will be 1932 before the collections can possibly catch up, and in the meantime warrants for presumable 1928 and 1929 taxes have already been sold and the banks have refused to purchase those for 1930. "The reassessment has cost the county $816,000 in cash appropriations to date, plus the loss in fees and the interest incident to delays in collection. . . . ."[3] It is hoped that out of this disastrous experience[4] may come a complete reorganization.

In expending revenue, the county proceeds in accordance with legislation enacted in 1893 and amended in 1919. All resolutions appropriating money or involving the county finances must be submitted to the Board in writing,[5] and, if involving a sum exceeding $500, must be passed upon by at least two-thirds of the elected

[1] *Proceedings, Board of Commissioners, Cook County, 1903–1904*, p. 2; *1913–1914*, p. 12; *1920–1921*, p. 8.

[2] Karl Borders, "Cashless Chicago," *The Survey* (Midmonthly), February, 1930, pp. 567–68.

[3] *Ibid.*, p. 568.

[4] The county was unable for two months to pay the wages and salaries of employes, and 1,600 mothers' pension checks could not be issued. County Hospital bills for 1929 remain unpaid, and the printing of the 1928 and 1929 charity service reports has been postponed. The staff of the juvenile court was cut by one-sixth. A number of the best workers of the county Bureau of Public Welfare left to take other positions because of the impossible case load, no salary advances for three years, etc. *Ibid.* and a letter from Joseph L. Moss, director of the Cook County Bureau of Public Welfare, dated April 21, 1930.

[5] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 34, sec. 64(3).

members of the Board, and may not be delegated to a committee or person with "power to act."[1] The president has veto power over appropriations, and a four-fifths vote of all elected members is necessary to overcome his veto.[2] An important provision of the law is the requirement that the commissioners adopt an annual appropriation bill within the first quarter of the fiscal year, to cover all expenses for that year and not to be added to after adoption except in case of a disaster necessitating an emergency appropriation. The bill must specify the "objects and purposes" and amounts of each appropriation. Before final adoption it must be published once in a newspaper in Chicago.[3]

Public and Private Charities

The Board of Commissioners handles millions of dollars annually in conducting the county's business. In 1927[4] the corporate operating expenses amounted to almost eighteen million dollars ($17,861,575.53) distributed as follows:[5]

Administration	$2,489,062.77
Taxation and collection	2,187,797.32
Civil courts	3,627,593.20
Criminal court	1,478,526.44
Charitable and educational	6,956,859.73
General	1,121,726.07

The expenditure for charities alone was about 35 per cent of the total.

The institutions maintained and managed by the county were the Oak Forest Infirmary for the sick and aged, the County Hospital, the Tuberculosis Hospital, the Psychopathic Hospital for the temporary care and detention of the insane, the jail, the Home for Delinquent and Dependent Children (a detention home), and the Chicago and Cook County Home for Boys. Besides the expenditures for the maintenance of these institutions, the county spent one-quarter of its budget for charities in outdoor relief for the destitute, and for pensions for indigent mothers and the blind. An additional

[1] *Ibid.*, (5). [2] *Ibid.*, (3). [3] *Ibid.*, (6).

[4] The last year for which a printed report was available on July 1, 1930.

[5] *Comptroller's Report, Cook County, Illinois, for the Fiscal Year Ending December 1, 1927*, p. 88.

one-fifth went to private institutions and agencies in payment for services rendered for county wards.

The twenty-nine private institutions and agencies which received payments from Cook County in 1927,[1] were:

Illinois Training School for Nurses
Maywood Home for Soldiers' Widows

Child-placing Agencies[2]

Catholic Home Bureau
Evangelical Lutheran Home Finding Society
Illinois Children's Home and Aid Society
Jewish Home Finding Society

Industrial Schools[3]

Addison Industrial School for Girls
Addison Manual Training School for Boys
Bohemian Industrial School for Girls
Bohemian Training School for Boys
Catherine Kasper Industrial School for Girls
Kettler Manual Training School for Boys
Chicago Industrial School for Girls
St. Mary's Training School
Chicago Industrial Training School for Jewish Girls
Chicago Manual Training School for Jewish Boys
Glenwood Manual Training School
Park Ridge School for Girls
Illinois Technical School for Colored Girls
Lisle Industrial Training School for Girls
Lisle Manual Training School for Boys
Lucy Judson Industrial School for Girls
J. Shelly Meyer Training School for Boys
Morgan Park Manual Training School for Boys
Morgan Park Industrial School for Girls
Norwegian Industrial School for Girls
Norwegian Manual Training School for Boys
St. Hedwig's Industrial School for Girls
Polish Manual Training School for Boys

[1] *Ibid.*, p. 87.

[2] The Joint Service Bureau was added to the list in 1928 when it opened a boarding-home department for colored children.

[3] The only industrial schools outside the environs of Cook County are St. Vincent's Industrial and Training School at Freeport and Guardian Angel Industrial and Training School at Peoria.

A comparison of the amounts spent for public and private charities, divided according to the groups served, is presented in Table IV.

According to these figures, one and one-half million dollars, or about 23 per cent of the total amount, was expended through private agencies caring for children and the sick. Of the total expenditure for the sick through public and private agencies (Table IV), about

TABLE IV

A COMPARISON OF THE EXPENDITURES BY COOK COUNTY FOR PUBLIC AND PRIVATE CHARITIES, ACCORDING TO GROUPS SERVED, 1927*

GROUP SERVED	EXPENDITURES FOR THE YEAR ENDING DECEMBER 1, 1927			
	Total for Public and Private	For Public Charities	For Private Charities	Per Cent for Private Charities
Total for all groups.....	$6,702,959.07	$5,190,910.61	$1,512,048.46	22.5
1. Aged and infirm†	$1,196,213 23	$1,195,313.23	$ 900,00	0.0
2. Children‡.....	2,134,055.12	1,602,622.93	531,432.19	24.9
3. Destitute§.....	859,574.71	859,574.71	0.00	0.0
4. Sick‖.....	2,513,116 01	1,533,399.74	979,716.27	38.9

* Figures are from the *Comptroller's Report, 1927*, pp. 84–88, 98.

† Includes the Oak Forest institutions: the infirmary and tuberculosis hospital; the Maywood Home for Soldiers' Widows.

‡ Includes the Chicago and Cook County School for Boys, the Home for Delinquent and Dependent Children, the Juvenile Court; Mothers Pensions; the industrial and training schools, and children's home-placing fund.

§ Includes appropriations for county agent (Bureau of Public Welfare), outdoor relief, and relief of the blind.

‖ Includes emergency, Psychopathic, and County hospitals, the County Public Health Bureau, salaries of county physicians, nursing service.

40 per cent (38.9) was paid to a private agency for nursing service; and of the total expenditure for children, about one-fourth (24.9 per cent) went to private agencies and institutions. A very small annual appropriation ($900) is made to the Maywood Home for Soldiers' Widows, which cares for widows of Civil War veterans, all receiving pensions. Minor appropriations not recorded included $100 to a camp for colored children, located in Wisconsin but accepting some children from Chicago; and $75 to a health center in La Grange township.[1]

[1] Statement of Mr. K. O'Conner in the comptroller's office. Occasionally such aid is given from the President's Contingency Fund, but itemized accounts of the Fund are not published.

Appropriations to Private Organizations

Although the Board of Commissioners has received many requests for financial assistance from individuals and organizations, it has given aid sparingly and sometimes unwillingly, probably because of the difficulty the county has constantly had to make its income cover its necessary expenses. In general the policy of the Board has been to make grants in one of two ways, viz., by casual appropriations to institutions and agencies whose appeals have favorably impressed the commissioners; or, under statutory authority, either permissive or mandatory, by payment to organizations for services rendered to children and the sick. The contracts with the industrial schools, child-placing agencies, and the Illinois Training School for Nurses are examples of the latter.

Grants made to these organizations under statutory authority must be included in the appropriation bill, and the amounts have to be determined during the first quarter of the fiscal year, according to the budget law.[1] An appropriation is also allowed annually for the Maywood Home for Soldiers' Widows. Other small amounts granted to various kinds of organizations during the year are charged to the President's Contingency Fund and the Miscellaneous Purposes Fund. Itemized accounts of these funds are not published, and it is almost impossible to discover the frequency and amounts of such grants. Requests for aid are usually referred to the Committee on Public Service or the Committee on Finance.

Attention should be called also to a type of relationship between the local authority and the private agency which represents the other side of the shield. It is the co-operative financing from public and private funds of a service which is organized by a private agency with the deliberate intention of bridging the gap until entire support and management can be assumed by the public authority. Several instances of this are to be found in the history of the Cook County Juvenile Court.

The first effort of this kind was to provide a detention home for children to be brought before the Juvenile Court. The law of 1899 did not allow for the compensation of probation officers or for special places of detention for children awaiting hearing, although it forbade

[1] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 34, sec. 64(6).

the detention of a child under twelve years of age in a jail or police station. The Illinois Industrial Association, therefore, undertook the care of boys awaiting hearing, and in 1901 requested the county to pay the rent for a house which could be used as a temporary detention home. The County Board agreed to contribute a maximum of ninety dollars a month for this purpose and to allow twelve and one-half cents per day for each child, or one-half the cost of "dieting" him. The city agreed to pay the other half of the expenses.[1] The next year the Juvenile Court Committee,[2] a group of public spirited citizens, organized for the purpose of sponsoring the work of the newly organized children's court, assumed the task of supplementing the public appropriations for the maintenance of the detention home, continuing it for six years until the city and county united in erecting a detention home and court building maintained entirely by public funds. Another activity of the Committee was raising money for the salaries of probation officers. This was continued until 1905, when the Committee, convinced that this should be a public function, secured of its own initiative a law authorizing the county to pay the salaries of probation officers.[3] Altogether, in its eight years of work for the Court, the Juvenile Court Committee raised and expended about $100,000.[4]

Another instance of co-operative financing, again in connection with the work of the Juvenile Court, occurred in the introduction of medical, and later mental, examinations for children brought before the Court. The Children's Hospital Society in 1902 offered the services of a trained nurse to arrange for medical and hospital care for children; and in 1907, when the detention home was opened, the Society undertook a free dispensary service at the request of the

[1] *Proceedings, Board of Commissioners, Cook County, 1900–1901*, p. 815; *1901–1902*, p. 204.

[2] Among the members were Mrs. Joseph T. Bowen, Miss Julia C. Lathrop, Miss Jane Addams, Mrs. Charles Henrotin, Dean Walter T. Sumner, Father Andrew Spetz, Rabbi Joseph Stoltz, Judge Julian W. Mack, and others. The Committee continued to give financial assistance to the development of various adjuncts to the court until 1908. In 1909 the name was changed to Juvenile Protective Association and a preventive program undertaken. *Semi-annual Report, Juvenile Protective Association, June 1, 1909*, pp. 2–9.

[3] *Illinois Laws*, 1905, p. 151.

[4] *Semi-annual Report, Juvenile Protective Association, June 1, 1909*, pp. 6–7.

county.[1] Within one month the Society asked that the county bear the expense of supplies, and within one year advised that the county pay the salaries of the physicians and nurses. Shortly afterward, the county assumed full responsibility for medical service for children under care of the Court.[2]

Realizing the importance of psychological and psychiatric examinations as well as medical and social diagnoses, in 1909 the Juvenile Court Committee, the Chicago School of Civics and Philanthropy, and the Children's Hospital Society combined to organize the Juvenile Psychopathic Institute.[3] Enabled by the generosity of a philanthropic Chicago woman[4] to secure the services of Dr. William Healy as director, the Institute became an invaluable part of the work of the Court. In 1914 the county undertook to finance the Institute as a department of the Court; and three years later the state made it a part of the services of the Department of Public Welfare.[5]

The County's Contracts with the Illinois Training School for Nurses

For forty-seven years the nursing service in the County Hospital was furnished by the Illinois Training School for Nurses, a corporation organized in 1881 by women representing various clubs,[6] from all parts of the city and of all religious faiths, for the purpose of educating women as trained nurses and of providing at cost, competent, skilled nursing care for the patients in Cook County Hospital.[7] For the first twenty-four years, the County Board made an annual contract, acting under its general powers; but in 1905 it was authorized

[1] *Proceedings, Board of Commissioners, Cook County, 1907–1908*, p. 15.

[2] *Ibid., 1908–1909*, p. 7.

[3] *Semi-annual Report, Juvenile Protective Association, June 1, 1909*, p. 18.

[4] Mrs. William Dummer.

[5] *Charity Service Report, Cook County, 1917*, p. 302. The name was later changed to the Institute for Juvenile Research.

[6] The leaders were Mrs. Edward Wright, Mrs. Charles B. Lawrence, Dr. Sarah H. Stevenson, Mrs. J. M. Flower, Mrs. Thomas Burrows, Mrs. A. A. Carpenter, and Mrs. Orson Smith.

[7] *Second Annual Report, Illinois Training School for Nurses* (1882), p. 3.

by statute to contract with any "recognized training school" for the nursing of the insane and sick.[1]

It was with the greatest difficulty that the Training School persuaded the Board of Commissioners that the nursing service they offered was to the public advantage; and it was only after repeated communications had been sent to them and an advisory board of influential men had been organized, that the indifference and opposition of a majority of the politicians were overcome.[2] But the support of the Chicago Medical Society was secured,[3] a superintendent of experience was employed,[4] funds were raised, and in December, 1880, a contract, modeled on that in existence between New York City and the Training School at Bellevue Hospital, was entered into between Cook County and the Illinois Training School for Nurses.[5]

The value of the service offered by this private agency cannot be appreciated unless the conditions surrounding the care of the sick in the County Hospital in 1880 are known. It was described as having been at one time the "best built and poorest managed hospital in the country."[6] Nine nurses, most of them men without any special moral or professional qualifications, cared for a daily average number of 210 patients, at a salary of twenty-five dollars a month, apiece.[7] Within two years, every female patient and every child was under the care of women nurses who were students in the Training School. The report of the School notes an improvement in the nursing care "which is the difference of skilled over unskilled labor"; and comments, "the moral tone of the wards, as affected by our

[1] *Illinois Laws*, 1905, p. 89.

[2] Grace Fay Schryver, *A History of the Illinois Training School for Nurses, 1880–1929* (Chicago: published by the Board of Directors of the Illinois Training School for Nurses, 1930), pp. 9–12.

[3] *Ibid.*, p. 8.

[4] Miss Mary E. Brown, who had been assistant superintendent at Bellevue Training School, New York. *Ibid.*, p. 9.

[5] *Ibid.*, pp. 13, 17.

[6] Roswell Park, "The Medical Charities of Cook County, Illinois," *Report of Board of State Commissioners of Public Charities, 1880*, p. 316.

[7] Enid R. Rich, "The Cook County Hospital" (University of Chicago unpublished Master's thesis, 1927), pp. 76, 102.

nurses is very noticeable."[1] The School in 1896 increased its course from two to three years, and within ten years assumed full charge of all of the nursing service in the various departments of the hospital.[2]

The growth of the County Hospital has, under this arrangement, necessitated the expansion of the Training School. Whereas 135 nurses were a sufficient number to care for the patients in 1904, 704 nurses were required in 1927.[3] Nursing service was extended to the Psychopathic Hospital when it was established as a separate hospital in 1923, and social service departments in the County and Psychopathic Hospitals were organized under the direction of the

TABLE V

THE AVERAGE NUMBER OF PATIENTS PER NURSE, BY FIVE-YEAR PERIODS, COOK COUNTY HOSPITAL, 1903–28*

Five-Year Period	Average Number of Nurses	Daily Average Number of Patients	Average Number of Patients per Nurse
1903–8.....	138.4	954.2	6.89
1908–13.....	237.2	1451.4	6.11
1913–18.....	368.6	1670.8	4.53
1918–23.....	370.4	1470.2	3.96
1923–28.....	505.0	1751.8	3.46

* Computed from *Comptroller's Report, 1927*, p. 89.

Training School in 1911 and 1923.[4] In 1927, the county paid the School close to a million dollars ($979,716.27) for its services.

The standard of nursing care would seem likewise to have kept pace with the growth of the Hospital, according to the data in Table V, for, if the number of patients per nurse is computed by five-year periods from 1903 to 1928, it is found that each nurse averaged about one less patient every five years. For the first five-year period under consideration (1903–8) a nurse had about seven patients under her care, but for the last five-year period (1923–28) she has had between three and four.

From time to time attempts described as "persistent efforts by

[1] *Second Annual Report, Illinois Training School for Nurses* (1882), p. 3.

[2] Schryver, *op. cit.*, p. 87.

[3] *Comptroller's Report, 1927*, p. 89.

[4] *Charity Service Reports, Cook County, 1912*, p. 106; Schryver, *op. cit.*, pp. 144, 149, 161.

selfish interests"[1] were made by political and medical factions, to interfere with the growth of the nursing service and even to displace it entirely. During the years 1912–15, a series of critical conflicts occurred at which time the Board voted to advertise for bids on the contract for nursing, maintaining that they were required to do so by the legislation of 1905, a duty they had apparently neglected to perform. The 1905 legislation authorized the Board to contract with a recognized school of nursing "in conformity to the provisions of section 61"[2] previously enacted, which stated, among many other provisions, that "all contracts for supplies, material and work for the county of Cook shall be let to the lowest responsible bidder, after due advertisement." The legal adviser of the Training School argued that professional services were not "supplies, material and work" and hence did not come under this provision,[3] and this view was upheld by a circuit court decision handed down by Judge Windes to the effect that the County Board was not required by law to let that contract by competitive bidding.[4]

The efforts during this period to dislodge the Training School from the County Hospital were led by a group of outside doctors interested in other training schools which resented the advancement in educational standards promoted by the School.[5] Although they circulated abusive advertisements and leaflets charging the School with being a money-making concern, the civic organizations and leading newspapers throughout the attacks gave the School encouraging support.

The conflict with the County Board was intensified in 1914, when

[1] *Annual Report, Citizens' Association, 1915* (Chicago), p. 6.

[2] Section 61 was the law in relation to counties which had first been enacted in 1874, and amended in 1879, 1887, and 1895. As it stood in 1905, it regulated, among other things in regard to Cook County, the making of appropriations only upon written propositions, the veto power of the president over appropriations, the requirement of a two-thirds vote of the membership on appropriations over $500, the adoption of an appropriation bill, and the letting of contracts for more than $500, for "supplies, material and work," to the lowest bidder, after due advertisement. This section also created the civil service commission and all the rules and regulations governing its work. *Illinois Laws*, 1895, sec. 61 (1–43), pp. 136–48.

[3] *Proceedings, Board of Commissioners, 1913–1914*, p. 485.

[4] *Annual Report, Citizens' Association, 1915*, p. 6; Schryver, *op. cit.*, p. 102.

[5] Schryver, *op. cit.*, pp. 94, 97, 99.

the annual contract with the School came before the Board for approval with a claim for payment for thirty-two more nurses than had been employed during the corresponding six months of the previous year. This claim arose in accordance with a practice of long standing, which was that the Board would make advances prior to the adoption of the budget each year, at the rate allowed under the contract for the preceding year, and then in the spring, when the appropriation bill was passed, would enter into a new contract dated back to December first. The Training School officials had discussed with the Board the employment of the thirty-two nurses, but in May, when their salaries appeared in the annual contract, the Board refused to allow payment and voted to advertise for bids on the nursing contract.[1]

Protests were sent by civic organizations,[2] and a special session of the Board was called to hear arguments on the bids. At this meeting, a representative of the executive council of the Cook County Hospital staff testified to the quality of the nursing service and expressed fear that the change to "an untried nursing institution of . . . . (commercial) character" might result in less skilful care.[3] Finally a special committee of the Board was appointed to consider the matter, and on August 15, 1915, reported that they believed adequate nursing service should be considered not only from the monetary point of view but also that the county should supply the best nursing service it could reasonably afford. They had found that the nursing care furnished by the Illinois Training School had been satisfactory to the medical staff and the hospital management; and inasmuch as this service was offered at cost, the committee recommended that the contract for the current year be awarded to the School at terms to be agreed upon.[4]

After 1915, however, the Board advertised annually for bids on the contract for nursing, and awarded the contract regularly to the Illinois Training School for Nurses.

The payment for the nursing care from the beginning was at cost and after 1915 was on the basis of services rendered instead of a

[1] *Annual Report, Citizens' Association, 1914*, p. 8; *1915*, p. 6. [2] *Ibid., 1915*, p. 7.

[3] *Proceedings, Board of Commissioners, 1913–1914*, p. 491.

[4] *Ibid., 1914–1915*, p. 1289.

lump sum.[1] The following excerpts from the proposition submitted by the Training School to the Board of Commissioners for the year 1925 is typical, except for a change in figures and except for the addition of a detailed budget after 1926, of the arrangement that prevailed for forty-seven years.

1. We offer to furnish service for the current year at cost; that is to say, for a sum of money equivalent to the amount which we expend each month in the maintenance and administration of our Training School for Nurses and in the furnishing of such service to all of the departments of the Cook County Hospital, including the Psychopathic Department.

2. For the general hospital we shall furnish nursing service as may be needed. According to the experience of former years, the number of persons daily on duty in the general hospital will run at an average of about 450 per day. In case we are called upon to furnish additional service to meet emergencies, it will be understood that such additional service will be furnished at cost as herein stated, but that we shall not be obliged to furnish service beyond the amount for which appropriation has been or may be made by the Board of Cook County Commissioners.

. . . . . .

4. In the Psychopathic Department we shall furnish the nursing service, including the Social Service Department, with an average of persons on duty from 85 to 90 per day.

5. . . . . On the 1st and 16th days of each month, in order to provide means for the payment of these payrolls, we will bill you at the rate of $3.55 per day for each person on duty, plus or minus the difference between that amount and the actual amount which it cost us to maintain the nursing service as ascertained during the preceding month, submitting to you on or before the 16th day of the month the figures on which that calculation is made for the preceding month. In ascertaining cost as aforesaid we will give you credit for all moneys received for nursing service in Highland Park Hospital and fees for students. Our books will of course be open at all times for examination by your Board as to the accuracy of the accounts rendered.

In the determination of the cost of our service we will not include interest upon our investment but we will include an amount for the estimated depreciation of buildings, furniture, fixtures and equipment based upon the fiscal year, it being our desire simply to avoid any loss of money in furnishing this service by reason of the depreciation of our buildings and equipment. . . . .[2]

The cost of nursing service rose steadily from 1903 to 1927, as shown in Table VI. The total expenditure in 1927 was almost seventeen times as great as in 1903; and the daily cost per patient in-

[1] Schryver, *op. cit.*, p. 104. [2] *Proceedings, 1924–1925*, p. 729.

creased from $0.13 to $1.18. Even allowing for the differences in the purchasing power of the dollar at these years, and for the expansion in bed capacity, a real increase in cost remains, indicating perhaps a higher standard of care in line with a development that has taken place generally in hospitals in the past twenty-five years.

A question of interest is the proportion of the funds necessary for operating and maintaining the Training School which has come from the county. A certified public accountant's report for the first thirty-four years (1880–1914) is available,[1] which shows that the payments from the county covered 87 per cent of the operating

TABLE VI

COST OF NURSING SERVICE, BY FIVE-YEAR PERIODS, COOK COUNTY HOSPITAL, 1903–28*

FIVE-YEAR PERIOD	AVERAGE TOTAL COST		AVERAGE PER CAPITA COST	
	Per Month	Per Year	Per Day	Per Year
1903–8.....	$ 3,799 66	$ 45,574.00	$0.132	$ 47.76
1908–13.....	8,907.37	113,800.50	0.204	78.06
1913–18.....	17,207.61	207,691.21	0.343	124.30
1918–23.....	28,583.36	343,002.28	0.648	233.30
1923–28.....	63,257.51	759,178.06	1.180	430.68

* Computed from *Comptroller's Report, 1927*, p. 89.

expenses of the School. The remaining 13 per cent, or $220,778.87, was met by earnings derived from services rendered to other hospitals and to private families, in the amount of $231,735.56.

In acquiring the land, buildings and equipment which the School owns and which have cost $204,325.51, the management derived the necessary funds through contributions and donations from charitably inclined persons, and have given the use of these facilities to the County without compensation. . . . . All of the income from Cook County has been used in providing board for, and paying the salaries of, the nurses, and no part of the income from any source has ever been applied to any purpose other than equipping, maintaining and operating the school. . . . .[2]

The saving to the county in not having to provide and maintain its own buildings for nurses is commented upon as follows:

A fair return on the amount invested in the School buildings and land would have been $12,000.00 per annum and if Cook County were compelled to buy the

[1] *Proceedings, Board of Commissioners, 1914–1915*, p. 1289. [2] *Ibid.*, p. 1290.

land and erect the buildings it would sustain an annual charge of at least $9,000.00 to meet the interest on bonds issued to provide such facilities, to say nothing of an annual depreciation in the building of approximately $6,000.00.[1]

As the budget of the Training School approached a million dollars annually, friction with the County Board increased. The president of the Board charged the School with extravagance, lack of co-operation, and undue increase in expenditures. The officials of the School replied that the increased budget was necessary because of the increased demands placed upon it by the growth of the County Hospital.[2] After long deliberation, the trustees of the School decided to merge with the University of Chicago for the establishment of a school of nursing, and on December 1, 1929, the Illinois Training School for Nurses as such ceased to exist. The desirability of a University affiliation and the difficulty of securing it while dependent on an alliance with a political body, an accumulation of difficulties in working with the county commissioners, who were not interested in the education of nurses but in cheap nursing service, and the fact that funds were needed to replace the building which had served for forty years as a nurses home were reasons that contributed to this decision.[3] To continue would mean raising a large endowment, and the founders felt that perhaps the service they had started could now be carried on under other auspices. In addition to other assets, the property at 509 South Honore Street was deeded to the University of Chicago for the school of nursing, an action that was resented by the County Board, which declared that it had first claim on buildings on which the county had paid expenses for forty years, and depreciation costs for fifteen years.[4]

To continue the training for nurses and the care of county patients, the Cook County School of Nursing was organized and incorporated on June 19, 1929. This is a semiprivate agency which has been established in such a way as to protect it from political manipulation as far as possible. When the county was faced with the withdrawal of the Illinois Training School, the Board appointed a citizens' committee to consider future plans, and upon its recommenda-

[1] *Ibid.*, report of Barrow, Wade, Guthrie Co., C.P.A., p. 1290.

[2] *Chicago Daily Tribune*, June 26, 1929, p. 12.

[3] Schryver, *op. cit.*, chap. ix, pp. 152 ff.

[4] *Chicago Daily Tribune*, June 26, 1929, p. 12.

tion, selected a board of thirty-six men and women who should thereafter elect their own members to fill vacancies.[1] In order to continue high standards of nursing education, several of the women who had served on the board of the Training School were included, and the former faculty were retained. The School of Nursing will continue the plan of entering into an annual contract with the County Board for the furnishing of nursing service at cost. The County Board, however, contemplates building a nurses' home and for that purpose endeavored in 1929 to secure a $2,000,000 bond issue;[2] but owing to the financial state of the county, this with all other bonds, was rejected by the voters. A problem the new school will have to settle is how to supplement the county payment for services in order to maintain its ideal of nursing education. Either an endowment fund or affiliation with an established educational institution would seem to be necessary. At any rate, it is to be hoped that the new semiprivate agency will succeed as well as did the former one in maintaining a high standard of nursing care and education.

Miscellaneous Appropriations

During the past thirty-five years the County Board has appropriated more than $22,000 in cash and considerable coal to some ten institutions and agencies.[3] The commissioners seem to have had no definite policy in making these appropriations but appear to have been influenced by the type of appeal made and, once an appropriation was made, by the precedent thus established. Requests are usually referred to the Committee on Public Service or to the Finance Committee; but occasionally appropriations are authorized directly by the commissioners without preliminary recommendations. Since the establishment of a centralized Bureau of Public

[1] Dr. Frank S. Shaw was made chairman, and representatives were appointed from the former board, the medical profession, the University of Chicago School of Nursing, and others interested in nursing education.

[2] *Chicago Daily Tribune*, June 26, 1929, p. 12.

[3] These casual appropriations are charged to the President's Contingency Fund, the Miscellaneous Purposes Funds, or the former County Agent's Supply Appropriation and are not itemized in the comptroller's report. That such appropriations do not always appear in the *Proceedings* is evident from references to grants "as in previous years" when no mention can be found in the previous year. Very poor indexing adds to the confusion.

Welfare in 1925, the director has sometimes been consulted and has advised that if appropriations are to be made, they should be under general regulations to specified types of agencies. Table VII presents the cash appropriations by five-year periods, from 1890[1] to 1925.

For nineteen years the County Board appropriated $2,000 annually to the Illinois Humane Society. The first grant was allowed in 1876, when a letter was received from the merchants of the Union

TABLE VII

CASH APPROPRIATIONS TO MISCELLANEOUS ORGANIZATIONS, BY FIVE-YEAR PERIODS, 1890–1925

Five-Year Period	Amount of Appropriation	Organization
1890–94	$10,000.00	Illinois Humane Society
1895–99	4,900 00	Illinois Humane Society; Associated Charities
1900–1904	1,000.00	Chicago Bureau of Charities
1905–9	350 00	Chicago City Garden Association
1910–14	500.00	Maywood Home for Soldiers' Widows
1915–19	2,688.00	Maywood Home for Soldiers' Widows
1920–24	2,900.00	Maywood Home for Soldiers' Widows
Total	22,338.00	

Stock Yards requesting an appropriation for the Humane Society "to enable them to make provisions towards the prevention of cruelty to animals in said yards. . . . ."[2] Shortly afterward the Committee on Public Service were instructed to inquire into the needs of the Society and to make an appropriation in their discretion.[3] The annual approrpiation was continued until 1894, and, although repeated requests were made, further aid was refused on the grounds that the county attorney had given an opinion "some years ago" that such an appropriation was illegal, and that, anyway, the funds of the county did not admit of an appropriation.[4]

[1] A comptroller's report was first published in 1888; prior to that the only record of expenditures is in the minutes of the board.

[2] *Proceedings, Board of Commissioners, 1875–1876*, p. 173.

[3] *Ibid.*, p. 177.

[4] *Ibid., 1897–1898*, p. 122. That the county was in straitened circumstances in 1894 when the appropriation was withdrawn is evident from an expedient to which the Board resorted, viz., asking one day's pay from all elective officers and employes of Cook County and of the mayor and city council because of the "general depression and limitation of county funds and resources." *Ibid., 1893–1894*, p. 166. The plan was dropped a month later owing to the poor response. *Ibid.*, p. 267.

As shown in Table VII, from 1898 to 1910 the Board intermittently made appropriations of from $75 to $500 a year for the purchase of seeds for gardens to be made available to poor families. The Associated Charities of Chicago promoted the plan which was later sponsored by an independent agency organized for the purpose, the Chicago City Garden Association. The appeal to the Board for funds emphasized the preventive aspect of the undertaking, in that it would help people to maintain themselves and keep them from asking for charitable assistance.[1]

Since 1913 the Board has made an annual appropriation to the Maywood Home for Soldiers' Widows, an unendowed institution under the auspices of the Ladies of the Grand Army of the Republic, caring for about thirty-two widows and daughters of Civil War veterans.[2] For the first four years $500 was allowed; for the next eight years, $600; and from 1925 to 1930, $900 was appropriated. The Home charges each person two-thirds of her pension received from the United States government, and for several years received the combined county rations of food and coal collectible by the inmates under the Indigent War Veterans' Act.[3] In 1927 the Bureau of Public Welfare discontinued the food allowances.

Somewhat related to these appropriations, although doubtless regarded as relief under the poor law, are gifts in kind, usually of coal, to private institutions. During seven years (1891–1900) the Englewood Nursery[4] secured 107 tons of coal; and since 1923 the three Mary Clubs[5] have received the "necessary amounts" upon request

[1] *Ibid.*, *1897–1898*, p. 640.

[2] *Ibid.*, *1920–1921*, p. 1096; *Social Service Directory* (Chicago, 1926), p. 135.

[3] This act provides relief for veterans and their families, if the veteran served in the Civil War, Spanish War, Philippine Insurrection, Boxer Uprising, or the World War. *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 23, secs. 154*a* ff.

[4] This institution was organized as a receiving home for the American Educational Aid Association, which later became the Illinois Children's Home and Aid Society. In 1891 the Committee on Public Service recommended to the board that all "children who may happen to die while in the custody" of the Society be buried by the county. *Proceedings, Board of Commissioners, 1891–1892*, p. 443.

[5] These were organized under private auspices in 1913 at the instigation of Miss Mary Bartelme, who was made judge of the Juvenile Court in 1927. Their purpose is to provide temporary home and training to dependent and semidelinquent girls who are under the supervision of the Child-Placing Division of the Juvenile Court. *Charity Service Reports, Cook County, 1913*, p. 232; *1918*, p. 219.

in accordance with instructions of the Board.[1] The Home for Convalescent Women, after repeated requests, was given twenty-four tons of coal in 1919,[2] but no record has been found of further grants.

The industrial and training schools which receive payments for the care of dependent children, are important enough to warrant discussion in a separate chapter.[3]

[1] *Proceedings, Board of Commissioners, 1922–1923*, p. 811; *1923–1924*, p. 1684.

[2] *Ibid., 1918–1919*, p. 1867.

[3] See chapter vi.

CHAPTER VI

THE INDUSTRIAL AND TRAINING SCHOOLS IN COOK COUNTY

Although the private agency for the nursing of the sick poor in the County Hospital has received more money actually every year than the private institutions and agencies caring for children, the problems connected with service for children have been more numerous and more serious. Cook County in 1927 expended more than two million dollars for the care of dependent and delinquent children, of which about one-half million[1] was paid to twenty-three industrial and training schools and to four child-placing agencies for the care of about 3,000 children.

The problems that have arisen under the legislation[2] authorizing these payments are due to a number of causes. In the first place, the industrial and training school acts which were passed twenty years before the juvenile court law was enacted have been kept correlative with the latter and have seriously interfered with the court's powers over children committed to these institutions. It is specifically stated in the juvenile court law that it shall not be interpreted as repealing any portion of the earlier legislation. Dependency, therefore, must be determined by a jury of six; and a child committed to an industrial school may be discharged at any time by the institution, by an order of the governor, or by the court, providing a proper showing is made that the child should be removed elsewhere.

Another source of dissatisfaction has come from the fact that payments, amounting for many years to $10 a month for a boy and $15 for a girl, have been mandatory upon court order. It is true that before committing a child to an industrial school the law states that the court must give notice to the chairman of the Board of County Commissioners and that he may "appear and resist the same"; but this has not prevented the Board from periodically objecting to making the necessary appropriations.

[1] See above, Table IV, p. 118.

[2] See above, pp. 87–91.

Finally, the question of supervision and the standards of care offered by the institutions have been solely in the hands of the state,[1] which has not in the past been equipped to perform the task adequately.

Administration of the Industrial and Training School Acts, 1879–1911

The history of the administration of the industrial and training school acts in Cook County may be divided into two periods for purposes of discussion, viz., from 1879 to 1911 and from 1911 to the present (1930). The year 1911 is taken as the dividing line because of several important legislative and administrative acts that occurred then. In the first place, the girls act was amended to increase the per capita grant from $10 per month to $15. In the second place, a series of charges involving the administration of the Cook County Juvenile Court, the competency of the chief probation officer, and charges concerning the financial arrangements between the Illinois Industrial School for Girls and the county culminated in the appointment by the Board of Commissioners of a citizens' investigating committee, with Professor W. E. Hotchkiss as chairman and representatives of the various religious groups—Protestant, Catholic, and Jewish—as members. The Hotchkiss committee made important recommendations[2] described below. Finally, in 1911 the Illinois legislature passed the first state-wide "funds to parents act" in the United States, which, it was expected, would materially enhance "the effectiveness of the Juvenile Court in preserving the natural relationships of the home,"[3] and which would do away with the anomalous situation of the law providing from public funds for children in the guardianship of designated institutions but refusing any support for them as long as they remained with the mother, their natural guardian.

Within six years after the passage of the industrial schools for

[1] The juvenile court law authorizes the judge to appoint a visitation committee but does not give it any powers except those of visitation. The two committees appointed have been short lived and ineffective.

[2] *The Juvenile Court of Cook County, Illinois, Report of a Committee appointed under Resolution of the Board of Commissioners of Cook County, August 8, 1911.*

[3] *Ibid.*, p. 17.

girls act, two institutions had incorporated under the law: the Illinois Industrial School for Girls[1] in South Evanston, organized by Protestants (1879), and the Chicago Industrial School for Girls in Chicago, organized by Catholics (1885). The latter was a paper organization which only nominally cared for the court wards and in reality intrusted their care to the House of the Good Shepherd and St. Joseph's Orphan Asylum. After the Illinois Supreme Court had declared[2] that payments to such an organization were in aid of a

TABLE VIII

SUBSIDIES TO FOUR INDUSTRIAL AND TRAINING SCHOOLS, AND APPROXIMATE NUMBER OF CHILDREN GIVEN CARE, 1888–1911

Four-Year Period	Subsidy	Approximate Number of Children Given Care
Total.....	$1,101,666.59	9,422
1888–91.....	$ 124,138.98	1,213
1892–95.....	172,493.00	1,500
1896–99.....	166,047.52	1,384
1900–1903....	196,666.26	1,639
1904–7.....	199,326.55	1,661
1908–11.....	242,994.28*	2,025

* Includes $1,200 to the Cook County Kinderheim in 1911.

sectarian institution and therefore unconstitutional, the Chicago Industrial School purchased property[3] and in 1889 incorporated as a bona fide industrial school.

In 1883 the act in aid of training schools for boys was passed, and within five years the Catholic and Protestant groups had each organized an institution—St. Mary's Training School for Boys at Des Plaines (1883) and the Illinois Industrial Training School for Boys near Chicago (1887).[4]

[1] The school was moved to Park Ridge in 1909, and the name was changed to the "Park Ridge School for Girls" in 1913. This institution had been founded in 1877; and it was the institution on behalf of which the industrial school act had been introduced. *Chicago Daily Tribune*, May 23, 1879, p. 6.

[2] *County of Cook* v. *Chicago Industrial School for Girls*, 125 Ill. 541.

[3] In 1911 the school was moved to Des Plaines adjoining St. Mary's Training School for Boys.

[4] Changes in the name have been: "Illinois School of Agriculture and Manual Training for Boys," 1893–1900; "Illinois Manual Training School Farm," 1901–9; "Glenwood Manual Training School," 1910—.

These four institutions for dependent children, legally known as "industrial schools" or "training schools," have received subsidies from the dates of their incorporation, and until 1910 were the only schools organized under the acts. Although the published records of Cook County expenditures are incomplete,[1] it is possible to ascertain the total amounts paid to these institutions from 1888 to 1911 and to estimate the number of children cared for in return.[2]

It will be observed that the sums appropriated and the number of children given care increased steadily during this twenty-four-year period with the exception of the four years 1896–99. It was in 1895 and 1896 that the whole plan of county subsidy was under fire by the commissioners and that there occurred the first dispute of consequence between them and the Illinois Industrial School for Girls.

Certain defects in the industrial and training school acts, combined with the pressure of numbers of dependent children to be cared for in a rapidly growing metropolitan area in which county expenses have persistently exceeded county income, have prevented Cook County from developing a well-defined policy toward the institutions. A serious defect in the law, previously described, is that which limits the jurisdiction of the court over a child committed to an industrial or training school. An illustration of the evils that resulted from the institution possessing the right to discharge a child without the approval of the court which committed him to its care is given in the *Report of the State Board of Public Charities, 1896:*

> The schools have an absolute power of discharge, which is necessary in certain cases, but which is liable to abuse. . . . . A case was recently brought to the notice of this Board, supported by sworn statement, in which the county court, after a full hearing, adjudged dependent a boy of six or seven, directing the father to pay the board of the child at school. The father was known to be irresponsible financially. Both parents had been proven in court to be improper persons to have the custody of the child, yet the mother applied to the officer of the school for the child and he was given back to her. Thus upon the same day upon which the court had determined that the mother was an unfit person

[1] In 1888 a comptroller's report first appears in the *Proceedings of the Board of Commissioners of Cook County*, and it was not until 1911 that a comptroller's report with a detailed analysis of expenditures was published separately.

[2] Estimates based on yearly contracts between the county and the industrial and training schools.

to have the child, and as compelled under the law had confided the child to the guardianship of the school during his minority, the school abandoned the guardianship to this same parent.[1]

This weakness in the law was again commented upon in 1911 in the Hotchkiss report:

> The law should be so amended as to make each institution responsible to the Court at least for continued custody of every child committed to its care. . . . . The return of a child without court consent to an environment which the Court has just found to be unfit is an humiliating travesty on judicial procedure, and is in no way necessary to uphold the autonomy of institutions.[2]

The industrial and training schools have had not only the right of discharge but also the authority to place children in foster-homes without the consent of the court, a matter concerning which the Hotchkiss report declares:

> Plenary jurisdiction exercised heretofore by custodial institutions has given them authority to place children committed to their care in families, and they have been given the right to sign papers of adoption under the same conditions which have obtained with reference to regular placing organizations. The kind of equipment required for satisfactory placing is so different from that needed to conduct a custodial or educational institution that the two functions ought to be kept distinct. To this end, placing by a custodial institution should occur only with consent of the Court.

Although no amendments to the law have been made in accordance with these suggestions, since 1917 an agreement has existed whereby the institutions give the court ten days' notice of intended discharge or parole.[3]

The county has practically no authority to exercise supervision over the so-called industrial and training schools. The county board of visitors, authorized by the juvenile court law, has limited powers of inspection by visitation and the judge of the juvenile court can call for a report only if a complaint is made to him. The helplessness of the court to raise the standard of care in institutions in the face of lack of other resources is clearly set forth in Judge Merritt W. Pinckney's testimony before the Civil Service Commission in 1911:

[1] P. 66.

[2] *The Juvenile Court of Cook County, Illinois* (Hotchkiss report), p. 17.

[3] Helen R. Jeter, "The Chicago Juvenile Court," *United States Children's Bureau Publication No. 104*, p. 96.

Question: To what extent have you the power to visit and inspect and the power to demand reports from this class of institutions [accredited]?

Answer [Judge Pinckney]: The power is not very broad. . . . . It is only when a complaint comes to me about an institution that I can exercise the authority under the law to call for a report. . . . .

Q.: Does it empower the court to this extent, that you can issue an order to a certain institution of this character that you want a monthly report or that you want a semiannual or annual report, something of that kind?

A.: No, I do not do that. . . . .

Q.: You have only the power to do it in specific instances?

A.: In specific instances. . . . . Not as a general proposition of administration. That is not the law for it apparently provides for two plans of investigation. One is by the state board and the other is by the county court committee to visit these institutions and report if they find anything wrong. . . . .

Under this section [9-*e* of the Juvenile Court Law] I can demand a report on the evidence heard and testimony before me as to the character and fitness of an institution to have the care of children. If the court thinks that the institution is not a proper institution to have the custody of the dependent or delinquent child, or that the superintendent who is named as guardian is not a fit person, I can not only remove the child but I can call the attention of the State Board of Control to the situation, and they can act in the case of the institution, although I myself have no authority. I could, however, prevent the sending of any more children to that institution. . . . .

Q.: Isn't that legal power limited by the fact that the number of institutions is limited?

A.: Yes. I am confronted with that situation very frequently, and especially with full institutions. The institutions are full and there may be no opportunity afforded for the receipt of the child; and then I am absolutely helpless.[1]

Thus, on the one hand, we find the court struggling to make suitable disposition of the stream of dependent children passing before it;[2] and, on the other hand, we have the county commissioners dissatisfied with the mounting appropriations to industrial and training schools and yet under legal obligation to make such appropriations. Complaints of taxpayers from time to time concerning the conduct of certain institutions or the constitutionality of the county paying money to sectarian institutions has added to the confusion and feeling.

[1] Sophonisba P. Breckinridge and Edith Abbott, *The Delinquent Child and the Home*, pp. 218, 219, 220, 222.

[2] The Juvenile Court heard nearly 11,000 dependent children's cases between 1904 and 1910, as follows: 1904–6, 3,928; 1906–8, 3,891; 1908–10, 3,112.

Before the investigation of 1911, the Cook County Board of Commissioners attempted to limit their liability for payments and endeavored, at least nominally, to exercise some supervision although they had no legal authority for such action.

An annual contract was one means the Board employed to limit liability for payments. The contract with the two training schools in 1887 provided that no more than ninety-five boys under twelve years of age—unless crippled or disabled—would be supported by the county. Furthermore, the institution, in presenting its quarterly bill, was to give for each child his name, age, date of commitment, date of admission, number of days of care, his class, general deportment, trade or occupation and progress; and boys sent out for adoption or apprenticed were to be reported "in detail." The Board also declared that the institutions should be open at all times to inspection by the commissioners or their agents.[1] The contract with the industrial schools was less detailed but also stated the maximum number of girls the county would support, and declared the right of the commissioners or their agents to inspect the institutions.[2]

Contracts of these descriptions were renewed annually until 1891, when the Board added a clause setting the maximum amounts the county would pay each institution for the care of children, and requiring monthly instead of quarterly reports.[3]

In 1897 the County Board made an effort to limit the appropriations still further. The same form of contract for the four schools was used for the first time, and contained conditions obviously contrary to the intention of the statutes; e.g., the contract with St. Mary's Training School for Boys, read:

> That the total amount to be paid . . . . shall not exceed . . . . $12,000.00, payable in monthly installments of $1,000.00 per month.
>
> And further provided, that if the number of dependent boys in said school who are county charges . . . . , is less than 100 in any one month, the said party of the second part shall be required to pay only at the rate of $10.00 per month for each of said dependent boys, it being the express intention and purpose of the parties hereto that the said party of the second part shall not be charged with or become liable to said first party for any greater sum during one month

[1] *Proceedings, Board of Commissioners of Cook County, 1886–1887*, p. 601.

[2] *Ibid., 1888–1889*, p. 309.

[3] *Ibid., 1891–1892*, pp. 228, 229, 232, 623.

than the sum of $1,000.00. And that if the number of dependent boys kept in said School as county charges is less than 100, that said second party shall only be required to pay $10.00 per month for each of said dependent boys.

And also further provided, that the fact that said county only pays the sum of $1,000.00 per month shall in no way be construed as limiting the number of dependent boys said school shall receive and care for, it being expressly understood that said school shall care for and receive all dependent boys properly committed by the County Court. The said party of the first part hereby waiving all its right and claim under the statutes or otherwise, to any further or greater compensation than in this contract specified.[1]

The other conditions remained the same and included the right of the commissioners or their agents to visit the institutions. This form of contract, with variations in maximum amounts to be allowed and number of children to be cared for, continued to be renewed annually until 1910, when they were discontinued.

The commissioners' attempt to take matters into their own hands was checked somewhat in 1895, when the county attorney, at their request, set forth the limits of their power in relation to the court. At this time complaints had been coming from the citizens and press of Evanston that the Illinois Industrial School for Girls was "a breeding place for vice and laziness,"[2] and that most of the inmates were wards of Cook County for whom the institution was making no effort to find foster-homes. The Board appointed a committee to investigate, which reported[3] that the building was "sadly in need of repairs, the interior arrangements of which are poorly adapted to the purpose of the institution,"[4] and that "your committee found nothing to justify the title 'Industrial School' for the institution, as the only industry the inmates seem to be acquainted with appears to be such plain housework as is connected with the institution's management." Remedies which the Board proposed were a standing committee of five members whose duty would be to visit, at least once a month, each industrial and training school to whose support Cook County contributed, and to "report promptly to this Board

[1] *Ibid.*, *1896–1897*, p. 333. The contracts were all identical in form but varied in numbers and amounts.

[2] *Ibid.*, *1894–1895*, p. 842.

[3] *Ibid.*, p. 440.

[4] The State Board of Public Charities had reported the buildings and location as unsuitable in 1888 (*Report*, p. 132) and again in 1894.

any defects or mismanagement of control of pupils, lack of proper food, clothing, or educational facilities; or any other facts which in its judgment this Board, as legal guardians of the wards of Cook County, ought to know."[1] At the same time, they proposed that the county agent be authorized to place children with private families after suitable investigation, subject to their approval.

At this point, the county attorney was asked for an opinion on the whole question of the relation of the county to the care of dependent children. His reply made clear the legal obligation of the county to pay for children committed by the court to the industrial and training schools, and described the limits of the powers of the Board of Commissioners. He cited the opinion of the Court of Appeals in *Rayburn* v. *Davis*[2] to the effect that "counties are created for governmental purposes, and possess only such powers as are conferred on them by law," and stated that it was apparent, in considering the industrial and training school acts, "that the sole function of the County Board as therein prescribed is to pay certain stipulated sums therein specified." In describing the respective powers and duties of the Board and the court, he stated:

> The commitment, however, of children to industrial and training schools must be through courts of record in the County, and it is the duty of the Court to know the character of any such school to which any child is committed, as well as all the facts relative to the dependency of any such child. Therefore, it is the duty of the Board of County Commissioners to require strict proof to be made in all such cases. The law although mandatory in its terms does not require the Court to commit a dependent child to the custody or guardianship of an unfit person or institution. The Court must exercise judicial discretion in all such cases.
>
> It therefore becomes the duty of the Board of Commissioners, through the agency of the County Attorney, by competent evidence to inform the Court of all the facts in each case, and it is the duty of the Court, if it be shown that any school claiming to be an industrial or training school is not properly conducted, and that in its management the spirit and letter of the law are not complied with, to refuse to commit any dependent girl or girls to such school; and if any such school should refuse to permit a thorough inspection by the County such refusal should be taken as prima facie evidence that such school is not a fit school. . . . .
>
> As to the placing of children attending such schools in families or their adop-

[1] *Proceedings, Board of Commissioners of Cook County, 1894–1895*, p. 995.

[2] 2 Ill. App. 548 (1878).

tion by citizens, the County Board has no jurisdiction and is not empowered to interfere, either to require such adoption or prevent it; neither can the Board compel the discharge of any girl from such school after she has been regularly committed by a competent Court, and cannot by resolution limit the time such girls may be kept in such school at the expense of the County.[1]

Concerning the placing of dependent children in private families, the county attorney stated that "in the absence of an express statute, the Board of County Commissioners has no power to appropriate money out of any public fund to aid a charitable organization in carrying on the work, however meritorious it may be." He was of the opinion that money could be legally expended for placing dependent children in private homes, through the office of the county agent, under authority of their powers to bind by proper indenture as an apprentice, clerk, or servant, any pauper, dependent child under the age of sixteen years, with the approval of the county or Circuit Court judge.

The outcome of this opinion seems to have been to discourage the Board of Commissioners from attempting child-placing through the county agent's office. A subcommittee on industrial schools has continued to be appointed to the present, but the *Proceedings* contain no record of its reports. In 1906 the Board, acting within its powers, informed the Juvenile Court that the Illinois Industrial School for Girls was not properly conducted, and asked that the Court refrain from committing girls to the school until it was in a satisfactory condition, with the result that a reorganization was effected.

An investigation committee,[2] appointed by President Brundage in January, 1906, reported in the following month that industrial training was quite lacking, placement in homes had been "culpably lax, unsystematic, and inadequate," and that factional disputes among the directors had occurred frequently to the detriment of the institution. The committee unanimously recommended:[3]

1. That in the interest of the girls committed to it the Illinois Industrial School for Girls should, as soon as practicable, be changed from the "congregate plan" to the "cottage plan."

[1] *Proceedings, Board of Commissioners of Cook County, 1894–1895*, p. 1000.

[2] Composed of three commissioners and two citizens: William C. Hartray, Oscar de Priest, Chris Strassheim, Elizabeth Bass, Henry W. Thurston.

[3] *Proceedings, Board of Commissioners of Cook County, 1905–1906*, p. 213.

2. That the present corporation be asked to enlarge its membership by the admission of all worthy and proper persons who may legally apply for such membership.

3. That the proper officials call a special meeting of the members (both old and new) of the corporation not later than April 13, 1906, to receive the resignation of all the directors and officers who are elected by the members of the corporation.

4. That the members of the corporation at the same meeting proceed to the election of a Board of Directors and . . . . officers. . . . .

5. That a list of such newly elected Board of Directors and officers be submitted to the Board of County Commissioners . . . . for their approval.

6. That if such list of Directors and officers is not approved by the Board of County Commissioners, said Board shall, within thirty days thereafter, withdraw the dependent girls who are then wards of Cook county from the Illinois Industrial School for Girls, at Evanston.

It was ten months before the reorganization was complete;[1] in December, 1906, the newly elected president[2] informed the Board of Commissioners that the institution was ready to receive girls from the county. Within three years the school was moved to a farm of forty acres at Park Ridge, where cottages, each housing from fifteen to twenty-five girls, have been erected.

The effort to supervise and to call the institutions to account, which has been of most serious import, occurred in 1911. One outcome was the Hotchkiss report, to which reference has previously been made. During the summer of 1911, a Chicago newspaper published articles attacking the administration of the Juvenile Court and the competency of Chief Probation Officer Witter.[3] At the

[1] The institution had been in a deplorable condition. The girls were in a "wretched physical condition," "underfed, overworked." The records were in a "complete state of disorder," some children being entirely lost; fifty-three were found, "many of them living in conditions which cast shame upon the institution." There was a heavy indebtedness (*Annual Report, Illinois Industrial School for Girls, 1906–1907*).

[2] Mrs. Henry Solomon. Among the new directors were Miss Jane Addams, Mrs. Charles Henrotin, Mrs. E. J. Buffington, Mrs. A. W. Bryant, Mrs. Louis M. Greeley, Mrs. Lawrence W. McMaster, Dr. Sarah H. Brayton, and fourteen other women.

[3] These charges eventuated in a suit between the Civil Service Commissioners and Mr. Witter when the former attempted to remove the chief probation officer from office. The decision of Judge Windes, of the Circuit Court, upheld by the Supreme Court, was that the probation officers of the Juvenile Court are part of that court and therefore subject to appointment and removal by the judge, and not subject in any way to the jurisdiction of the Civil Service Commission (256 Ill. 616).

earnest solicitation of citizens interested in maintaining the integrity of the Court, the president of the Board appointed a non-partisan Citizens' Committee to inquire into the entire operation of the juvenile court law. A few weeks later he asked that the Committee include an inquiry into the apparent discrepancies between the number of girls listed for payment by the Illinois Industrial School and the number committed to that institution by the Court. Much publicity was given by the newspapers to the discreditable rumors that were circulated from unknown sources, and had the Committee been of less impartial and just mind they could not have set forth the facts as clearly and constructively as they do in their report.

The part of the report dealing with the industrial and training schools was planned to include for the four institutions (1) "wherein and to what extent the existing records and business methods might appear to be defective and (2) . . . . suggestions and recommendations along the lines of constructive criticism as to how these methods could be improved or made effective." Public accountants were engaged to conduct this part of the inquiry. Two schools—St. Mary's Training School for Boys and the Chicago Industrial School for Girls—were unwilling to give the Committee's agents access to their records, stating that "the whole law governing dependent children and the schools in which they are placed is being complied with."[1]

From an examination of the records of the Glenwood Manual Training School and of the Illinois Industrial School for Girls, the Committee concluded that both the county and the schools had been at fault in entering into "haphazard arrangements" "without due regard to the facts or strict rights of either party in the matter."[2]

[1] *The Juvenile Court of Cook County, Illinois* (Hotchkiss report), p. 137. These two institutions are operated together and still refuse to make public their financial transactions. When the Department of Public Welfare in March, 1929, inquired why their annual report of receipts and disbursements did not balance, a reply was received from the certified public accountant stating: "The books are operated on an accrual basis and receipts and disbursements are on that basis, and therefore, this section of the report cannot balance. . . . . If the books of these schools were operated on an actual cash receipts and disbursements basis, the disbursements would give you the true cost of operations, but since they are not we have taken the expenditures for the period instead of the actual disbursements, as this would necessitate the re-arrangement of our entire accounting system . . . ." (files, Division of Visitation of Children, Springfield).

[2] *Ibid.*, p. 122.

The legality of the action of the county officials in limiting the amount which they would pay a school in a year when the law states that they shall pay $10 or $15 per child was questioned. Furthermore, the county had not paid the cost of transporting the child to the school nor had it provided wearing apparel, as stipulated in the statutes. On the other hand, the schools, and particularly the Illinois Industrial School for Girls, had rendered bills for children that were scarcely proper charges upon the county, e.g., for children who had been placed in family homes, hospitals, or positions where they were no expense to the school, and even for some children who had disappeared, been paroled to relatives or friends, or been permanently discharged. The Committee stated,

> It would appear that dating from the time when the County undertook to fix the allowance, the necessity for a strict accounting was held to have been dispensed with by the fixing of the allowance and the rendering of bills came to be regarded as largely, if not entirely, a perfunctory matter.[1]

The Committee recommended that

> more definite standards for judging results of institution care should be worked out both in the institutions themselves and by the public agencies charged with supervision. Records and reports essentially uniform should be provided whereby the efficiency of an institution may be ascertained.[2]

Appendix F is a "System Report" consisting of suggestions and of recommendations regarding a uniform system of forms, records, reports, and accounts for the institutions.

One further attempt at supervision, growing out of the situation which produced the Hotchkiss investigation, should be mentioned. Section 18 of the juvenile court law provides that the county judge may appoint a board of visitation to inspect all organizations receiving children from the court, and section 19 states that the powers of the county judge may be exercised by the judge of the juvenile court in counties of over 500,000 population. The original interpretation of the law was that only the judge of the county court could appoint a board of visitors, a power which was first exercised in Cook County in October, 1911, when Judge John E. Owens appointed a committee of six citizens.[3] They employed a highly quali-

[1] *Ibid.* [2] *Ibid.*, p. 58.

[3] They were George E. Cole (chairman), Daniel McCann, Minnie F. Low, Dr. Mary B. White, Rose C. Kwasigroch, Charles H. Wacker.

fied executive secretary,[1] on a salary paid from private funds; and he made a survey of the thirty-three institutions and agencies receiving children at that time from the Cook County Juvenile Court. An annual report was published a year later, embodying the results of the survey and recommendations for the institutions' improvement.[2] The committee seems to have assumed that it had the power of inspection as well as visitation, stating "that the County Board of Visitation has sought to define its field of duty, in the visitation and inspection of all institutions and organizations receiving children under the Juvenile Court System," its aim being "to standardize child care in public and semipublic control and the attitude in so doing [being] that of a friend." A schedule covering many phases of management and care was drawn for use in making inspections. According to the *Report*, "the institutions have literally opened their doors and welcomed the inspections," an attitude that is not surprising in view of the fact that

> this [Hotchkiss] investigation brought to the surface, and to public notice, facts of vital importance, and gave impetus to varied inferences as to the efficiency of child care. Regardless of the cause, purpose or circumstances surrounding the investigation, a state of uncertainty concerning what might be the public's impression of their efforts, had naturally possessed the minds of the child-caring organizations.

The completion of the survey and *Report* in November, 1912, marked the end of the board's activity, and it ceased to function.

In 1920 the judge of the Juvenile Court, acting upon the authority vested in him by section 19, appointed a Board of Visitation of two members, both very busy professional men. As no provision was made to supply them with clerical or secretarial service, they were able to do little more than visit a few institutions.

In 1911, after several efforts on the part of the industrial schools, the industrial school for girls act was amended to allow $15 per month for each girl instead of the $10 which had been the payment since 1879.[3]

[1] Mr. Wilfred S. Reynolds, now of the Chicago Council of Social Agencies.

[2] *Report of the Cook County Board of Visitors of Cook County, Illinois, for the Year Ending November 30, 1912.*

[3] *Illinois Revised Statutes*, 1911 ed., chap. cxxii, sec. 328.

The 1911 legislature also enacted the funds-to-parents act, a loosely drawn statute which was incorporated in the juvenile court law, and which permitted the court in its discretion to grant aid in their homes to parents who were too poor to care for their children but were otherwise proper guardians. This statute was altered in 1913, 1915, and 1917 by an aid-to-mothers law, which defined eligibility for women whose husbands were dead or permanently incapacitated for work by reason of physical or mental infirmity. The age limit for children for whom aid would be allowed was placed at fourteen years, and the maximum amount of the grant to any one family was placed at $60 a month.[1] It is difficult to determine the effect, if any, of this law upon the commitments to industrial and training schools, since there are many factors which would enter into an explanation of the present situation. A comparison of the mothers' pension fund and the industrial schools' fund over a period of years, however, shows a striking increase in the former and an almost stationary appropriation for the industrial schools; e.g., in 1915 the mothers' pension fund was aiding an average of 1,392 children monthly at an annual expenditure of $130,805.92, while there was an average monthly number of 2,390 children in industrial schools at a cost to the county of $302,100.68. In 1926 the number of children maintained by mothers' pensions had increased to 3,932 children at a cost of $780,804.50; but the industrial schools were caring for 45 fewer children than in 1915 at a cost of a few thousand more—a total of $308,525.69.

Legislation and Administration, 1911–30

The immediate effect of the publicity which accompanied the investigation of 1911, and of the increase in the allowance to industrial schools for girls, was to bring a flood of applications from institutions desiring to incorporate or reincorporate under the industrial or training school acts in order to receive public funds. Whereas there had been no addition for almost twenty-five years to the four institutions receiving subsidies, within one year eight institutions had been added, making a total of twelve. The expenditures from county funds increased from $61,981.15 in 1910 to $183,222.88 in 1912, or

[1] *Ibid.* (Smith-Hurd), 1929, chap. xxiii, secs. 322–40.

an increase of 195 per cent in two years. Table IX gives the number of schools, amounts paid, and monthly average number of children from 1912 to 1928, inclusive.

A total of twenty-five industrial and training schools have received subsidies during these fourteen years. Two[1] have gone out of existence or have been dropped because unsatisfactory. Of the twenty-

TABLE IX

COOK COUNTY INDUSTRIAL AND TRAINING SCHOOLS, SUBSIDIES, AND NUMBER OF CHILDREN, 1912–28*

Year	Number of Schools	Monthly Average Number of Children	Total Subsidy	Per Capita Subsidy
1912.....	12	1,561	$183,222.88	$117.37
1913.....	14	2,017	267,542.10	132.64
1914.....	16	2,302	307,558.10	133.60
1915.....	16	2,390	302,100.68	126.40
1916.....	17	2,443	297,652.05	121.83
1917.....	18	2,231	290,077.14	130.02
1918.....	18	2,298	294,209.58	128.02
1919.....	18	2,376	292,248.41	123.00
1920.....	20	2,262	271,573.54	120.05
1921.....	19	2,086	261,611.37	125.41
1922.....	19	2,133	274,166.41	128.53
1923.....	21	2,325	296,813.08	127.66
1924.....	21	2,370	306,237.37	129.21
1925.....	21	2,352	304,590.92	129.50
1926.....	21	2,345	308,525.69	131.56
1927.....	23	2,385	318,018.62	133.34
1928.....	23	2,545	364,889.73	143.37

* *Comptroller's Report, Cook County, 1923 and 1927*, p. 87. Figures for 1928 are from the Comptroller's office.

three schools receiving subsidies in 1930, as shown in Table X, twelve are for girls and eleven for boys. The capacity of the boys' institutions, however, exceeds that of the girls' by 548. Seventeen of the schools are maintained by religious groups. Two of the non-sectarian

[1] The Louise Manual Training School for Colored Boys, 1913–18, inclusive; and the Amanda Smith Industrial School for Girls, 1913–18, inclusive, which received funds during the years indicated. Of the Amanda Smith School, the Board of Administration reported in 1916 (I, 145): "No institution has had a more varied experience. . . . . While conditions at times have been almost intolerable, it has been granted an existence because of the need of a school for Protestant colored girls committed by the courts. Mismanagement and incompetency . . . . had so shaken the confidence of former donors that at times it was feared that its doors must be closed." This institution was burned to the ground in 1918, when four children lost their lives.

schools are under the management of a nationalistic group, while six of the schools of sectarian groups are also nationalistic. Two schools have usually been established simultaneously by each group, one for boys and one for girls, and the Illinois Technical School for Colored Girls (Catholic) is the only institution for which a corresponding training school for boys has not been organized. Table X gives the number of schools and total capacity for each group.

TABLE X*

RELIGIOUS AND NATIONALITY GROUPS MAINTAINING INDUSTRIAL AND TRAINING SCHOOLS IN COOK COUNTY, WITH CAPACITY FOR EACH GROUP, 1930

Religion and Nationality	Number of Schools	Capacity	Per Cent of Capacity in Relation to Total
Total	23	4,662	100.0
Non-sectarian	6	655	14.1
2 Czechoslovakian			
Protestant	6	445	9.5
2 Lutheran (Mo. Synod)			
2 Norwegian Lutheran			
2 Methodist			
Catholic	9	3,342	71.7
2 Polish, 2 Irish,			
2 Bohemian, 2 German			
Jewish	2	220	4.7

* Data from the Chicago Council of Social Agencies, *Social Service Directory* (1926), and from Bertha C. Hosford, "Protestant Institutions for Dependent Children in Illinois" (University of Chicago unpublished Master's thesis, 1927).

The Catholic institutions are more numerous and larger than those of any other group. Their nine schools have an average capacity of 371, as compared with an average capacity of 94 for the remaining twelve institutions. Seventy-one and seven-tenths per cent (71.7) of the total capacity for 4,662 children is in the Catholic schools. The non-sectarian group have only 14.1 per cent of the capacity in their six institutions—an interesting fact in view of the constitutional prohibition against aid to sectarian institutions.

Questions that arise after an examination of Tables IX and X are (1) whether the number of children supported by the county in industrial and training schools has remained in the same proportion to the children of that age in the general population over a period of

years; and (2) whether the provision in sectarian schools, notably the Catholic schools, has increased in proportion to the number of dependent children of that faith coming before the Juvenile Court. An answer to these questions may give an indication of the effect of subsidies upon the growth of institutions.

Table XI would indicate that the number of children in industrial and training schools, per 1,000 population of children about six to fifteen years of age, is almost twice as great in 1920 as in 1910, the year before the Hotchkiss investigation.

TABLE XI

THE NUMBER OF CHILDREN IN INDUSTRIAL AND TRAINING SCHOOLS IN COOK COUNTY COMPARED WITH THE NUMBER IN THE GENERAL POPULATION, 1910 AND 1920

YEAR	AGES* (YEARS)	NUMBER OF CHILDREN		
		In the Population	In Industrial Schools	Per 1,000 Population
1910.....	6–14	375,840	935†	2 5
1920.....	7–15	471,598	2,262‡	4.8

* *United States Census Reports*, from which the population figures are taken, do not give the same age groupings for 1910 and 1920. The eight-year spans used are comparable for the purpose, however.

† Figure is for 1911 (*Comptroller's Report, 1916*, p. 158). The 1910 figure is not available.

‡ *Ibid., 1926*, p. 81; figure is for 1920.

When the provision for children in the nine Catholic schools is examined in relation to the number of Catholic children coming before the Juvenile Court in 1926, it is found that 1,423, or 67.6 per cent, of the children before the Court were Catholic,[1] while provision for Catholic children amounted to 71.7 per cent of the total capacity of twenty-three institutions. In other words, the proportion between provision for Catholic children and others in industrial and training

[1] The number of Catholic children coming into the court is considerably greater in proportion than the number of Catholics in the general population. The United States Census for 1916, the last census of religious bodies published, gives the Catholic membership of Cook County as 768,838; while the population of Cook County (estimated as midway between the 1920 and 1910 census figures) was approximately 2,729,125 at that date. About 34.4 per cent of the population in 1916, therefore, was Catholic; and in the same year 64.5 per cent of the dependent children before the Juvenile Court were of Catholic parentage.

The nationality of the parents of dependent children in 1916 were American, 20.0 per cent; Polish, 20.3 per cent; German, 13.5 per cent; Italian, 8 per cent; Irish, 8 per

schools was 4 per cent greater than the proportion between the number of Catholic children and others coming into the Court as dependents. This difference is negligible and might be accounted for in various ways. The institutional method is one that has been preferred by Catholic orders which care for children; and they have, perhaps, been more alert than others to the advantages of incorporating under the industrial and training school acts—a statement that is borne out by the fact that, although nine of the twenty-three industrial and training schools are under Catholic auspices, only two of the twelve other institutions to which the Juvenile Court has committed children in the past ten years are Catholic.[1]

The subsidy system has been accused of discouraging private benevolence. Warner declares: "Almost without exception those institutions that have received public aid the longest and the most constantly receive least from private contributors."[2] Is this true in Cook County? Figures are difficult to secure, since only one of the institutions has published reports regularly, and most of them have published none. Since 1896, however, the state central authority has required quarterly reports on prescribed forms in accordance with the authority vested in it by statute;[3] and from 1896 to 1917 fairly complete statements of movement of population and of finances for each institution were published. These have been omitted from the reports of the Department of Public Welfare since 1917, but figures have been secured directly from the records in the office of the Department. Table XII shows for the four institutions that have been subsidized continuously for more than forty years the proportion of

cent; or, in other words, nearly 50 per cent were of nationalities in which the Catholic religion is dominant. The Polish, German, and Italian are among the five chief foreign nationalities in Cook County ("Population," *Fourteenth Census of the United States* [1920], III, 252 ff.). The fact that the immigrants are most often the least skilled and lowest paid of our workingmen, combined with the fact that the immigrant has a social adjustment to make with which he is often unable to cope without assistance, may account in part for the disproportionate number of Catholic children coming before the Juvenile Court.

[1] *Charity Service Reports* (Cook County, Illinois, 1926), pp. 416, 420.

[2] *Op. cit.*, p. 350.

[3] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. xxiii, sec. 207.

income they have reported as derived from subsidies.[1] Ten-year intervals are used as samples.

A glance at Table XII reveals a striking decrease in the proportion of income which these four institutions were receiving from public

TABLE XII

THE PROPORTION OF INCOME FROM SUBSIDIES FOR FOUR INDUSTRIAL SCHOOLS, 1896, 1906, 1916, 1926

SCHOOL	YEAR	INCOME		
		Total*	From Subsidies	Per Cent from Subsidies
Glenwood Manual Training School	1896†	$ 25,474.58	$15,189.33	59.6
	1906	58,004.93	24,685.86	42.5
	1916	89,402.88	29,762.97	33.2
	1925‡	208,871.31	25,063.89	11.9
St. Mary's Training School	1896†	25,287.43	12,000.00	35.5
	1906	42,058.10	14,459.01	34.3
	1914§	86,383.11	52,131.38	60.3
	1926	276,675.05	48,522.31	17.5
Chicago Industrial School	1896	8,523.32	7,500.00	87.0
	1906	21,429.10	7,500.00	42.8
	1914§	54,115.22	39,268.85	72.5
	1926	133,641.95	51,036.00	38.1
Park Ridge School	1896†	17,018.71	7,500.00	44.0
	1906	23,254.13	12,251.37	52.7
	1916	27,572.31	17,120.50	62.9
	1926	69,462.83	9,801.76	14.1

* Exclusive of building funds.

† The records for 1896 do not give income from "public funds" as a separate item; therefore the amounts are based on estimates secured from the *Proceedings, Cook County Commissioners, 1895–1896*, p. 308, and from the annual reports of the Illinois Agricultural and Manual Training School and of the Chicago Industrial School.

‡ Did not report in 1926.

§ Did not report in 1916.

funds in 1926 when compared with 1916 and earlier. In 1916 more children were cared for in industrial schools than ever before (Table IX), and in that year the four original industrial and training schools were receiving from one-third to almost three-quarters of their in-

[1] Most of the institutions receive money only from Cook County, but some have a small amount from other counties also. The Glenwood Manual Training School receives more from other counties than from Cook; e.g., in 1927–28, only $9,949.25 from Cook County and $18,466.58 from other counties.

come from the county; but in 1926 they received from about one-tenth to slightly over one-third from that source. The reason for this decrease is partially explained by the increase in the per capita cost for all of the institutions and the improved standards of industrial and manual training, which are discussed below; but for Glenwood and Park Ridge a change in policy is also responsible.

Are the remaining nineteen institutions likewise depending less upon the county and more upon private sources for their income? Fairly complete figures are available for ten of these institutions for the years 1920, 1924, 1925, 1926, and 1927, and these are presented in Table XIII. Where the industrial and training schools are separate in name only, they have been combined for purposes of comparison.

With the exception of the first three institutions whose income from subsidies has remained fairly constant, the percentage of income from public funds has shown a variation from 20 to 38 per cent during the five years examined, with a definite reliance apparently on this source of income. The most significant fact in Table XIII is, perhaps, that four of the six schools are receiving from one-fourth to two-thirds of their income from the county, a situation which existed during the first three decades in the history of the original four schools.

Do the institutions give Cook County more than value received from subsidies? They have complained for many years that the $10 a month for boys which has been the amount specified by statute since 1895, and the $15 a month for girls which has been allowed since 1911, do not cover the cost of care. The Illinois Supreme Court in its 1917 decision[1] based its argument that payments by the county of less than actual cost of maintenance was not "aid," and hence not in violation of the constitutional prohibition against aid to sectarian institutions, upon the fact that it cost the state $28.88 per month for each girl in an institution maintained by the state while the county paid the industrial school only $15 per month. Table XIV gives the per capita cost for the original four schools at ten-year intervals, over a period of thirty years.

[1] *Dunn* v. *Chicago Industrial School for Girls*, 1917, 280 Ill. 613.

From Table XIV it would appear that the per capita cost has increased during the thirty years 1896–1926, as would be expected; but the marked increase in 1926 over 1916 calls for an explanation.

TABLE XIII

PROPORTION OF INCOME FROM SUBSIDIES, SIX INSTITUTIONS, FOR 1920, 1924, 1925, 1926, 1927

MANUAL TRAINING AND INDUSTRIAL SCHOOLS	YEAR	INCOME		
		Total	From Subsidies	Per Cent from Subsidies
Illinois Technical School for Girls	1920	$ 33,559.49	$ 6,137.50	18.2
	1924	20,970.84	3,514.75	16.7
	1925	20,964.36	2,777.25	13.2
	1926	24,441.44	2,102.50	8.6
	1927	25,020.11	2,210.00	8.8
Chicago Manual Training and Industrial Schools for Jewish Boys and Girls	1920	131,168.13	15,638.02	11.9
	1924	.....	.....	.....
	1925	127,401.04	15,398.48	12.0
	1926	73,790.04	16,345.13*	22.1
	1927	76,368.81	15,663.00*	20.5
Kettler and Kasper	1920	220,173.80	53,967.27	24.5
	1924	160,188.22	48,796.34	30.5
	1925	177,152.94	46,446.06	26.2
	1926	176,298.15	49,879.15	28.8
	1927	185,304.90	50,345.37	27.2
Addison	1920	27,505.34	11,016.56	40.0
	1924	11,391.33	4,521.34	39.6
	1925	10,764.22	4,368.38	40.5
	1926	34,140.50	13,999.68	41.0
	1927	36,741.44	23,133 18	62.9
Polish and St. Hedwig's	1920	139,461.88	54,652.48	39.2
	1924	147,664.67	90,929.76	61.5
	1925	166,218.56	91,314.31	54.3
	1926	153,903.31	87,710.54	56.9
	1927	155,455.95	90,389.25	58.1
Lisle	1920	59,842.68	21,740.52	36.3
	1924	61,246.16	34,327.72	56.0
	1925	57,492.53	42,674.44	74.2
	1926	60,099.61	30,747.94	51.1
	1927	59,035.83	32,017.18	54.2

* Figure from the *Annual Report, Chicago Home for Jewish Orphans, 1926*, p. 13; *1927*, p. 13.

In 1896 and in 1906, when the allowance per child was $10, three of the institutions in the former year and two in the latter had per capita costs actually below $10. It should be remembered, however,

that at this time the county was requiring contracts with the institutions, which limited its liability for payment to a specified number of children, regardless of the number committed to the schools by the court. The much lower cost per child in the two Catholic institutions is doubtless explained by their having almost no salaries to pay. In 1926 the allowance from the county was covering only from

TABLE XIV

PER CAPITA COST OF MAINTENANCE IN FOUR INDUSTRIAL SCHOOLS, 1896, 1906, 1916, 1926

School	Year	Expenditures for Maintenance	Number of Children in School at End of Year*	Gross Per Capita Cost per Month†
Glenwood Manual Training	1896	$ 25,474.58	259	$ 8.19
	1906	58,004.93	341	14.19
	1916	89,402.88	376	19.81
	1925‡	208,871.31	328	53.06
St. Mary's Manual Training	1896	25,287.43	361	5 83
	1906	42,058.10	369	9.50
	1914‡	86,383.11	488	14.75
	1926	276,675.05	647	35.63
Chicago Industrial	1896	8,523.32	155	4.58
	1906	21,429.10	211	8.46
	1914‡	54,115.22	284	15.88
	1926	133,641.95	408	27.29
Park Ridge	1896	17,018.71	118	12.01
	1906	23,254.13	160	12.11
	1916	27,572.31	124	18.53
	1926	69,462.83	112	51.68

* The average daily number is not available.

† The data are not sufficiently detailed to make possible any deductions, and the per capita is designated as "gross" to indicate this fact.

‡ Did not report for year selected for table.

one-half to one-fifth of the cost to the institutions, the Glenwood Manual Training School losing the most and the Chicago Industrial School for Girls, the least. For a more accurate comparison, therefore, the per capita for 1926 has been computed on maintenance costs exclusive of salaries (Table XV).

The Catholic institutions still show a lower per capita—five dollars less a month for each child than Glenwood, and eleven dollars less per child than Park Ridge. Probably the fact that the combined Catholic institutions, which are operated practically as one, have a

population of more than 1,000 children would make costs less than for an institution of 100 or even 325.[1]

Attention should again be called to the difficulties in the way of arriving at any reliable conclusions concerning comparative costs in institutions. Other investigations[2] have stressed the notorious lack of uniformity in accounting, the variations in terminology, and the impossibility of comparing institution costs in detail until standardized accounting systems have been devised[3] and adopted. An example of variation in keeping accounts is found in the handling of farm products. Glenwood includes under income an estimated value of farm products used as well as the proceeds from the sale of products, but Lisle has a separate farm account and enters under income only the net profit from products sold for cash.

TABLE XV

PER CAPITA COST OF MAINTENANCE (EXCLUSIVE OF SALARY EXPENDITURES), FOUR INDUSTRIAL SCHOOLS, 1926

School	Maintenance Exclusive of Salaries 1926*	Number of Children	Per Capita per Month
Glenwood Manual Training.....	$128,480.34	328	$32.60
St. Mary's Manual Training.....	215,550.18	647	27.76
Chicago Industrial.....	127,357.98	408	26.01
Park Ridge.....	51,987.12	112	38.68

* 1925 for Glenwood.

All that is attempted here, therefore, are rough estimates of costs per child based on the reports submitted annually to the Department of Public Welfare. Since 1924 the Department has used a form requiring detailed statement of assets, liabilities, receipts, and

[1] Compare "Public Appropriations to Private Charities," *N.Y. State Charities Aid Assn., Bulletin No. 73* (1899), p. 11: "It is also but fair to pay the large institutions a lower per capita rate than the smaller ones, since it costs them less. Supplies can be bought in larger quantities at cheaper rates, and the paid force need not be increased in proportion to the number of inmates. In these and in many other ways, the actual per capita cost to the institution diminishes as the number of inmates increases. . . . ."

[2] Ferris F. Laune, *Uniform Reports and Classification of Accounts for Social Agencies* (Chicago: Wieboldt Foundation, 1924), p. 2.

Neva R. Deardorff, "The New Pied Pipers," *Survey Graphic*, LII (April, 1924), 31.

Leonard B. Job, *Business Management of Institutional Homes for Children* (New York: Teachers College, Columbia University, 1926), p. 3.

[3] Laune and Job present proposed classifications for accounts.

disbursements; but many institutions have been unable or unwilling to separate the items as requested, so that the reports returned are oftentimes obviously incomplete and inaccurate. Financial statements could be secured directly from only a limited number of institutions.

Another obstacle to a reliable determination of costs is the threefold incorporation of all but seven of the so-called "industrial schools." In other words, after the 1911 investigation many old institutions, upon incorporating as industrial and training schools, retained their original charters and still keep accounts for three institutions although the children are housed together, fed from the same kitchen in the same dining-room, attend the same school, and in every respect are cared for as if in one institution. It is difficult to understand how expenses are allocated under these circumstances. The property is usually held, and the commercial enterprises conducted, under the orphanage account. Rent is charged the industrial schools, so that it appears as income in one account and expense in the other two. Likewise one account may show an excess of income over expenditure while the other two may show deficits.[1]

The list of institutions (p. 158) with original dates of incorporation and re-incorporation as industrial and training schools, will indicate how well established many of them were before seeking the county subsidy.

Park Ridge (1879), St. Mary's Training School (1883), Chicago Industrial (1885), Glenwood Manual Training (1887), Illinois Technical School for Colored Girls (1911), and Morgan Park Industrial and Training Schools (1920) have original incorporations under the industrial and training school acts, and, as far as could be learned, do not hold a third charter.

The relation of the per capita cost, under these circumstances, to the proportion of income from subsidies is difficult to determine with exactness; but with the figures available from ten institutions

[1] See the *Sixty-fourth Annual Report, Angel Guardian German Catholic Orphan Society* (Kasper and Kettler Industrial and Training Schools) (1928), pp. 10, 12, 13. In 1928, St. Joseph's Bohemian Orphanage had a net income of $13,295.07, although Lisle Industrial and Training Schools showed a maintenance cost in excess of income, of $10,487.28 (mimeographed reports on audit, John Mahoney and Co., for the year ending December 31, 1928).

Table XVI has been prepared to give some indication of this. Since it has not been possible in figuring the per capita to make any refinements in the total expenditures reported, it is probable that the cost appears higher than it actually is. But if the figures are accepted as an indication of relative costs, it is apparent that there is considerable variation, ranging among the Catholic institutions from

Original Institution	Date	Industrial and Training School	Date
Angel Guardian German Catholic Orphan Asylum	1865	Kasper Industrial Kettler Manual Training	1912 1912
Bohemian Orphan Asylum and Old People's Home	1893	Bohemian Industrial Bohemian Manual Training	1913 1913
Chicago Home for Jewish Orphans	1894	Chicago Industrial .... for Jewish Girls Chicago Manual Training .... for Jewish Boys	1918 1918
Methodist Deaconess Orphanage	1894	Judson Industrial Meyer Manual Training	1927 1927
St. Hedwig's Orphanage	1895	St. Hedwig's Industrial Polish Manual Training	1911 1911
Norwegian Lutheran Children's Home	1897	Norwegian Industrial Norwegian Manual Training	1922 1922
St. Joseph's Bohemian Orphanage	1898	Lisle Industrial Lisle Manual Training	1912 1912
Cook County Kinderheim	1909	Addison Industrial Addison Manual Training	1911* 1911

* This institution was reorganized in 1916, when the original corporation was dissolved, and again in 1922.

about $16 a month in Lisle to $26.50 in St. Mary's, and among the Protestant institutions from about $17 in Addison to $57 in Glenwood.

It is significant that the three institutions with per capita costs of less than $20 a month received half or more of their income from the county subsidy, and that those with the highest per capita received least from that source. The only exception is the Illinois Technical School for Colored Girls, which can be accounted for by a decision of the court that only colored girls who were Catholic—and these

are comparatively few—could be sent there. It follows that as the standard of care rises, a development usually promoted by endowments and other steady sources of income, the proportion of income from subsidies decreases. The institution then becomes more selective of the children whom it will accept, since it desires only those who can profit from the advantages it has to offer.

TABLE XVI

COMPARISON OF THE PERCENTAGE OF INCOME FROM SUBSIDIES WITH THE GROSS PER CAPITA COST PER MONTH AND PER YEAR FOR 1924, 1925, 1926, 1927, FOR TEN INSTITUTIONS

INDUSTRIAL AND TRAINING SCHOOL	AVERAGE, 1924–25–26–27		
	Per Cent of Income from Subsidies	Gross Per Capita per Month	Gross per Capita per Year
Lisle	58.6	$15.89	190.68
St. Hedwig's and Polish	57.8	19.62	235.44
Addison	49.3	16.73	200.76
Chicago Industrial	38.8	26.29	315.48
Kasper and Kettler	27.9	20.45	245.40
St. Mary's	25.8	26.43	317.16
Chicago Jewish Boys and Girls	20.6	31.81*	381.73
Glenwood	12.1	56.99	685.40
Illinois Technical Colored Girls	11.5	25.53	306.36
Park Ridge	11.1	54.87	658.44

* Based on annual reports, Chicago Home for Jewish Orphans, 1926, 1927, 1928.

A comparison of costs in these subsidized institutions with institutions in other states indicates that some fall below and others above the average of $300 which has been given as a conservative estimate of institution costs per child in the United States.[1] Of the four industrial schools under this amount, three are Catholic in which costs are always lower because of gratuitous services.

The value of the property held by the twenty-three industrial schools amounts to millions of dollars, but it was not possible to secure any reliable statements on valuation. The location and acreage, however, will give some idea of it, particularly if it is borne in mind that four of the institutions are within the city limits of Chi-

[1] Job, *op. cit.*, p. 1. In 1924, the average per child in public and semipublic institutions in Ohio was $337.89, and the average for private institutions in New York was $348.27 (*ibid.*, pp. 195, 192).

cago and the others within twenty-five miles, and that their property is all exempt from taxation.

Institution	Location	Acreage*
Addison Industrial and Manual Training	Addison	27½
Angel Guardian German Catholic Orphanage (Kasper and Kettler)	Chicago	35
Bohemian Orphan Asylum (Bohemian Industrial and Training School)	Chicago	12
Chicago Home for Jewish Orphans	Chicago	180×500 ft.
Glenwood Manual Training	Glenwood	450
Illinois Technical School for Colored Girls	Chicago	1½
Methodist Deaconess Orphanage (Judson and Meyer)	Lake Bluff	.....
Morgan Park Industrial and Manual Training	Morgan Park	100×100 ft.
Norwegian Lutheran Children's Home Society (Norwegian Industrial and Manual)	Norwood Park	12
Park Ridge	Park Ridge	40
St. Hedwig's Orphanage (St. Hedwig and Polish)	Niles	41
St. Joseph's Bohemian Orphanage (Lisle)	Lisle	154
St. Mary's and Chicago Industrial	Desplaines	900

* Statements are from annual reports published or submitted to the Division of Visitation of Children, Springfield, and have been verified by personal visits and inquiry.

Three criteria will be examined in discussing the standards of care furnished by the institutions, namely, (1) their size and equipment, (2) their methods of admission and discharge, and (3) the kind of industrial and manual training education they offer.

Since the first White House Conference in 1909, the conviction has grown steadily that a normal child is best cared for in a normal home, and that, if institutional care is offered, it should preferably be in small groups or under the cottage plan of housing. In Cook County twelve of the twenty-one schools receiving children in 1926 had a capacity of less than 200 each, but the five institutions of 400 or more received 66.4 per cent of the total number committed by the court to industrial and training schools (Table XVII), so that most of the public wards are in large institutions. Five of the nine Catholic schools have a capacity of from 400 to 750, and the smallest cares for 110 children.

It will be observed from the list of acreage that all but three of the institutions are located on grounds from 12 to 900 acres in extent. Park Ridge and St. Hedwig's, with 40-acre farms, are able to supply the necessary produce for their dining-rooms. Glenwood, St. Joseph's (Lisle), and St. Mary's have large farming enterprises. Angel

Guardian (Kasper and Kettler) has three cemeteries on the 35 acres adjoining the orphanage.

Most of the institutions are built on the congregate plan, although seven[1] of them make some effort either within the building or in separate cottages to provide living arrangements in groups of 25 to 60. One institution[2] has only 20 children, organized, however, into two schools. Park Ridge and Kasper and Kettler have dining-

TABLE XVII

CAPACITY OF INDUSTRIAL AND TRAINING SCHOOLS, WITH THE NUMBER OF CHILDREN RECEIVED FROM THE JUVENILE COURT, 1926

Capacity	Number of Schools	Number of Children Received from Juvenile Court, 1926
Total	21	683
Under 100 children	6	10
100 under 200	6	112
200 under 300	2	30
300 under 400	2	87
400 under 500	4	300
500 under 600	0	0
600 under 700	0	0
700 under 800	1	144

rooms for each cottage, but the others have congregate dining-rooms. When these institutions are compared with the standard set by the United States Children's Bureau,[3] of separate cottages housing from 12 to 20 children each, so arranged that the children take part in all of the activities of the household, practically all fall below it.

The equipment for the care of the children is, on the whole, good if the physical welfare only is considered. Individual beds, aired weekly, separate towels and tooth brushes, marked clothing, and

[1] Glenwood, Morgan Park Industrial and Manual Training, Judson Industrial and Meyer Manual Training, Park Ridge, and Kasper Industrial and Kettler Manual Training.

[2] Morgan Park, which was started by two or three dissatisfied members of the Addison board.

[3] Children's Bureau, "Handbook for Institutions," *Publication No. 170* (1926), p. 26.

weekly or semi-weekly baths are the rule. The day of uniforms has passed except in three institutions, where they are used for play clothes. In the dining-rooms, chairs, table cloths, napkins, and china dishes are usually found, though marching to meals[1] and silence are still far too common regulations.

The health of the children is protected by periodic medical examinations in half of the institutions, and one or more graduate nurses are on the staff of several others. The county is supposed to have all children examined and in good physical condition before sending them to the institutions, but the superintendents frequently stated that this is not done at all, or poorly done.

Facilities for recreation include swimming pools in four institutions (six industrial and training schools), and play equipment of some kind in all of them.

In the large congregate institutions, however, the dormitories are great barren rooms which in the two largest Catholic institutions, contain from 40 to 100 beds, sometimes without even a chair beside the bed. The most homelike spots in such places are the schoolrooms, where the blackboards are decorated and artificial or growing flowers are at the windows. In general, the larger the institution, the less individual attention is given each child.

As to admission and discharge, the industrial and training school acts specify that the county may pay for a boy under seventeen and a girl under eighteen years of age,[2] though in practice Cook County does not commit many children over fourteen and stops payment when they reach sixteen years. Partly for this reason and probably also because most of the institutions have incorporated primarily to receive county funds, the highest minimum age limit for accepting children is six years, and fourteen institutions take children as young as two or under (Table XVIII).

[1] A description of meal time at the largest institution reads: "The band furnishes music for the entire community all the year around . . . . and it always heads the drill parade for dinner. . . . . So the boys march to their meals with their cracker-jack band at their head and with true military precision. The full six or seven hundred dressed in regulation khaki swing down the corridor to a glorious refectory capable of seating them all . . . ." (*A Visit to St. Mary's Training School and Chicago Industrial School for Girls* (printed by St. Mary's Training School Printing Department, 1926).

[2] *Laws*, 1929, pp. 729, 744.

Although this legislation was intended to provide schools for children of an age capable of receiving industrial or manual training, only two institutions keep the children until eighteen, and two have the maximum age at eleven; for the majority, the age limits are two to sixteen years of age.

TABLE XVIII*

AGE LIMITS OF CHILDREN, SET BY TWENTY-THREE INDUSTRIAL AND TRAINING SCHOOLS IN COOK COUNTY, 1926†

Minimum Age	Number of Schools	Maximum Age (Years)	Number of Schools
Infants	6	11	2
2 years	8	14	4
4 years	4	15	1
5 years	2	16	14
6 or above	3	18	2

* Data from the Chicago Council of Social Agencies, *Social Service Directory* (1926).

† Judson Industrial and Meyer Manual Training, incorporated in 1927, are included.

In order to determine whether the court was actually committing young children, the commitments to sixteen institutions[1] in 1928 were examined, with the results indicated in the following figures:

Age of Child	Number of Children	Age of Child	Number of Children
10 months	1	8 years	36
1 year	1	9 years	57
2 years	9	10 years	59
3 years	15	11 years	48
4 years	23	12 years	54
5 years	25	13 years	36
6 years	36	14 years	10
7 years	40	15 years	2

From these figures it appears that 243 children, or more than half of those committed, were under ten years of age as compared with 209 ten years of age and over.

The subsidy plan would appear to be the basis for this unsatisfactory state of affairs. In the first place, until 1923 the only care

[1] Addison, Glenwood, Judson Industrial and Meyer Manual Training, Morgan Park, Norwegian Lutheran, Park Ridge; Chicago Industrial and St. Mary's, Kasper and Kettler; Chicago Industrial and Manual Training for Jewish Boys and Girls.

for which the county was authorized to pay was in the so-called industrial and training schools. Younger children, for whom foster-home care is the preferred plan, have therefore been sent to these schools for lack of any other provision, although they have been too young in many cases to profit from the specialized training which the institutions are supposed to provide. The institutions, on the other hand, have incorporated under these acts in order to receive public funds, thus increasing the number of industrial schools out of proportion to other kinds of institutions and agencies for the care of dependent children.[1] Many of these have been industrial and training schools in name only. This condition has persisted because, as previously pointed out, the county has no authority to enforce standards or exercise supervision, and the state Department of Public Welfare, which does have such authority, has been inadequately staffed and at times rendered inefficient by political influences.

The bases for deciding to which of the industrial schools a child shall be committed have been chiefly the religion and nationality of the parents. The law requires the court to place children, so far as practicable, with persons or associations of like religious faith of the parents of the child.[2] With this encouragement, institutions have been organized to care for the Irish, German, Polish, and Bohemian Catholics, for Lutherans (German and Norwegian) and Methodists, and for Jews. In recent years, although preference is given to the particular nationality for which the institution was intended, children of other nationalities have been admitted. Since the boarding fund was authorized in 1923, agencies representing these three religious faiths and one non-sectarian or Protestant, have been selected to place children in family homes. Among these agencies, even more than among the institutions, there seems considerable difference in the standards of work.

The institutions have not been backward under these conditions, in taking advantage of having as many children as possible commit-

[1] The Sub-Committee on Dependent Children reported in 1920 that of 111 child-caring organizations of all kinds "more than 50 per cent of these organizations and more than 60 per cent of the children are under sectarian control." The twenty-four industrial and training schools were caring for 6,000 children out of a total of 15,000. *Report of the Illinois Department of Public Welfare, 1920*, pp. 321–22.

[2] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 23, sec. 211.

ted by the court in order to place them on the subsidy list. Some of the institution officials have admitted that they take children into court where it is possible in order to get county funds and to insure that the parents will pay something toward support upon the order of the court. Similarly with the child-placing agencies since the creation of the boarding fund, the court has found commitments requested where formerly the agency would have cared for the child without court action.

For those children admitted to institutions by private arrangement, admission is centralized for the Catholic institutions by the Dependent Child Committee and for the Jewish group by the Jewish Children's Council. If, after inquiry, either of these agencies believes that court action or advice is desirable, the worker brings the child into court, and, in the case of the Catholic agency, presents the case to the court. The Protestant institutions have attempted a similar organization through the Joint Service Bureau, but the variation in standards is so great that it has been difficult as yet to present a unified approach to the court, and the latter is therefore often forced to "peddle" the children from one institution to another until arrangements can be made.

Equal in interest to the size and management of the institution is the length of time the child remains. From the reports of the institutions to the Department of Public Welfare the proportion of children in the institutions during the year who remain at the end of the year can be ascertained. Samples are taken for the original four schools at ten-year intervals.

From the figures assembled in Table XIX all four of the schools show a higher proportion of children remaining at the end of 1916 (or 1914) than at the end of the two preceding periods which were sampled. The Chicago Industrial School for Girls had the greatest increase, about 24 per cent, over 1906; while the Glenwood Manual Training School was next highest, with an increase over 20 per cent above 1906. St. Mary's Training School has been uniformly high, varying from 57.3 per cent in 1896 to 65.6 per cent in 1914. Park Ridge School for Girls, which has also a uniformly high record, had the highest percentage remaining at the end of 1916 of any of the

four schools—72.5 per cent. About two-thirds of the children were a stationary population in 1926.

Closely related to the number of children remaining in the institution is the question of what disposition is made of those who are discharged. The Board of County Commissioners formerly urged that the schools exercise their power to place children in foster-homes, and thus relieve the county of their expense. The disposition made

TABLE XIX

PROPORTION OF CHILDREN IN FOUR INDUSTRIAL SCHOOLS WHO REMAINED AT THE END OF THE YEAR, 1896, 1906, 1916, 1926

School	Year	Total in School during Year	Number Remaining at End of Year	Per Cent Remaining at End of Year
Glenwood Manual Training	1896	489	259	52.9
	1906	679	341	50.2
	1916	532	376	70.6
	1925*	510	328	64.3
St. Mary's Training School	1896	629	361	57.3
	1906	599	369	61.6
	1914*	743	488	65.6
	1926	1,001	647	64.6
Chicago Industrial School	1896	347	155	44.6
	1906	496	211	42.5
	1914*	429	284	66.2
	1926	609	408	66.9
Park Ridge	1894†	229	122	53.2
	1906	289	160	55.0
	1916	171	124	72.5
	1926	183	112	61.2

* Did not report for year selected.
† Report for 1896, not itemized.

of the children released or discharged from the four industrial and training schools in 1896, 1906, 1916, and 1926 is presented in Table XX. From these figures it is evident that the institutions placed very few children in foster-homes in 1926 as compared with 1896; and that they returned an increasing number to friends or relatives. Since the schools possess power of discharge without court approval or supervision, careful co-operation between the institutions and court must be maintained if children of working age are to be properly protected from release to friends or relatives who might exploit them.

The tendency to keep children for a long period of time is true also in other institutions. The records of the Juvenile Court for 2,610 children in the industrial and training schools on March 1, 1929, were studied to discover how long they had been there; the figures are presented in Table XXI, which groups together the original four schools, the non-sectarian, the Protestant, the Catholic, and the Jewish institutions.

TABLE XX

DISPOSITION OF CHILDREN RELEASED OR DISCHARGED FROM FOUR INDUSTRIAL SCHOOLS, 1896, 1906, 1916, 1926

SCHOOL	YEAR	RELEASED OR DISCHARGED						
		Total Number	Placed in Homes		Returned to Friends		Died	Otherwise
			Number	Per Cent	Number	Per Cent		
Glenwood Manual Training School	1896	233	103	44.2	130	55.7	0	0
	1906	338	54	15.9	284	84.0	0	0
	1916	156	0	0.0	156	100.0	0	0
	1925*	182	0	0.0	182	100.0	0	0
St. Mary's Training School	1896	268	108	40.3	160	59.7	0	0
	1906	230	53	23.0	176	76.5	1	0
	1914*	235	28	11.9	207	88.0	2	18
	1926	334	3	0.8	349	98.7	2	0
Chicago Industrial School	1896	190	81	42.6	109	57.3	2	0
	1906	283	97	34.2	186	65.7	2	0
	1914*	129	33	25.5	96	74.7	0	16
	1926	201	24	11.9	176	87.5	1	0
Park Ridge	1896	66	36	54.5	29	43.9	1	0
	1906	158†	.....	.....	.....	.....	0	0
	1916	47	7	14.9	40	85.1	0	0
	1926	71	0	0.0	42	59.1	0	29

* Did not report for selected year.
† Report is not itemized.

From these figures it is clear that, although more than half of the children (57.2 per cent) had been in the institutions for three years or less, more than a quarter (27.6 per cent) had remained from four to six years, about 13 per cent had spent from seven to ten years there, and thirty-eight children had been given care in the same institution from eleven to fifteen years. An examination of commitments by institutions reveals that some keep children for much

TABLE XXI

NUMBER OF YEARS 2,610 CHILDREN COMMITTED BY THE JUVENILE COURT HAVE BEEN IN INSTITUTIONS, MARCH 1, 1929*

SCHOOL	CHILDREN, BY NUMBER OF YEARS IN SCHOOL ON MARCH 1, 1929															
	1 Year	2 Years	3 Years	4 Years	5 Years	6 Years	7 Years	8 Years	9 Years	10 Years	11 Years	12 Years	13 Years	14 Years	15 Years	Total
Glenwood Manual Training	31	26	14	11	4	3	0	0	1	.....	.....	.....	.....	.....	.....	90
St. Mary's Training	111	69	67	54	33	23	10	8	9	6	2	1	.....	.....	.....	393
Chicago Industrial	61	60	39	41	41	17	11	8	6	2	.....	.....	.....	.....	.....	286
Park Ridge	16	6	7	3	0	1	1	.....	.....	.....	.....	.....	.....	.....	.....	34
Morgan Park Training	5	0	1	0	1	0	0	0	1	.....	.....	.....	.....	.....	.....	8
Bohemian—Boys and Girls	0	2	0	3	5	0	3	3	0	3	.....	.....	.....	.....	.....	19
Addison Manual Training	56	39	30	12	0	10	8	0	0	1	1	.....	.....	.....	.....	157
Addison Industrial	63	13	19	10	0	5	4	2	0	2	1	1	.....	.....	.....	120
Norwegian Lutheran Manual Training	10	6	6	5	1	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	33
Norwegian Lutheran Industrial	2	7	0	7	0	5	0	2	2	.....	.....	.....	.....	.....	.....	25
Illinois Technical School for Colored Girls	3	1	5	0	5	0	1	.....	.....	.....	.....	.....	.....	.....	.....	15
Lisle Manual Training	28	13	14	10	17	14	14	10	8	5	0	1	2	.....	.....	136
Lisle Industrial	21	22	8	7	18	8	11	2	2	3	0	1	2	.....	.....	105
Kettler Manual Training	44	25	33	21	23	10	14	9	6	6	2	2	1	2	.....	198
Kasper Industrial	27	15	35	22	15	20	14	6	3	6	5	3	.....	.....	.....	171
Polish Manual Training	90	70	62	56	28	27	20	17	11	7	1	0	1	0	1	391
St. Hedwig's Industrial	90	66	46	25	38	20	25	12	3	9	4	2	1	0	1	342
Jewish Manual Training	4	4	4	8	9	3	7	0	1	6	.....	.....	.....	.....	.....	46
Jewish Industrial	2	2	10	5	8	7	4	0	1	2	.....	.....	.....	.....	.....	41
Total	664	446	400	300	246	178	147	79	54	58	16	11	7	2	2	2,610

* Judson Industrial and Meyer Manual Training were not incorporated until 1927 and are not included.

longer periods than do others. Of the 733 children in St. Hedwig's and Polish, for example, 228, or almost one-third (31.1 per cent), had been there over five years; two children had remained for fifteen years; two for fourteen years; and seven for thirteen years. In the case of the original four schools, the differences that have developed between the Protestant and Catholic institutions are evident from the fact that, although Glenwood and Park Ridge had only ten children, or 8 per cent, who had been there for longer than five years, St. Mary's and Chicago Industrial has 177, or 26 per cent. The two Protestant institutions have raised their standards of care and industrial education and have, in recent years, demanded larger payments from the county if they were to continue to receive children from the court, with the result that fewer have been accepted by them.

If the institutions were all in fact as in name, industrial and manual training schools, there might seem sufficient justification for keeping the children until they have reached an age of self-support; but if the "education" consists largely of farm and house work, the school becomes merely a large orphanage with all of the attendant disadvantages.

The subject of the industrial and manual training offered by these institutions will be discussed separately for the Protestant, the Catholic, and the Jewish institutions.

Among the twelve Protestant industrial and training schools are the six shown in Table XVIII as receiving infants, and two more which accept children at the age of two years. One of these was refused a certificate from the Department of Public Welfare in 1928 on the ground that it was not equipped to offer industrial and manual training.[1] As might be expected, very little training resembling industrial education is offered by any of them. A typical description of what passes under the name is found in the following statement taken from one of their reports:

> The industrial class work for the girls consists in plain sewing, embroidery work, piece work, quilting, darning and mending. . . . . The older boys help with repairing about the place, painting of screens and other work such as plant-

[1] Morgan Park Industrial and Training School: *Annual Report, Department of Public Welfare, 1928*, p. 146.

ing, weeding and harvesting the farm crops. At school they make stands, tables and lamp shades. We need a greenhouse in order to be better equipped for manual training for the boys during the winter.[1]

Another institution, in which the youngest child is four years old and the average age is about eleven, reports that

the girls devote several hours a week to embroidery and sewing under supervision. . . . . A bazaar is held annually to display the work done during the year. Our boys are taught some repair work and farming. The lack of sufficient space for a shop is preventing our giving the boys a more extensive variety of different trades. However, the boys are taught manual training in the school they are now attending.[2]

The two other Protestant institutions, Park Ridge and Glenwood, accept only children over seven years of age and attempt to give them a genuine industrial education. Glenwood has a well-defined program and definite objectives. It aims to take only boys over the age of ten, to introduce them to various kinds of industrial work, and then to equip them in selected occupations. Pre-vocational work is offered in printing, floriculture, farming, machine-shop work, electrical work, baking, cooking, shoe-repairing, and painting. Although most of the work is performed in connection with the maintenance of the institution, the instructors are chosen for their ability to teach as well as to do the work required, and an effort is made to keep the educational aspect of the boys' work in the foreground. When a boy has been graduated from the elementary school, he may continue with a commercial course, enter the technical high school, or spend his entire time in one of the occupations. Glenwood does not intend to prepare boys for college but prefers to limit its intake to boys whose careers can be built on the less advanced educational equipment. The attitude of the superintendent is that Glenwood should be a boarding-school for dependent or semi-dependent boys who will have to earn a living at an early age.

Park Ridge, like Glenwood, desires to become a boarding-school for normal, dependent girls. Its educational objectives are less well defined, because, as is the case in all of the girls' institutions, the

[1] *Annual Report, Norwegian Lutheran Children's Home Society, 1928*, pp. 15–16.

[2] *Bohemian Old People's Home and Orphan Asylum, Report for the Year Ending January 31, 1927.*

chief occupations considered available are cooking, sewing, and office work. A commercial course and a four-year high-school course are now offered as steps toward self-support.

The Jewish institution is the only one of the larger institutions which sends children to the public schools.[1] If a child prefers industrial work, he may attend a technical high school, or he may go to a commercial high school or take a college preparatory course. In 1929, seven boys were being assisted through college by the institution paying for tuition and books. No pretense is made of offering any industrial or manual training other than what is received in the public schools. This institution is also distinctive in not requiring the children to do mopping, laundry by machine, or heavy menial work.

The Catholic institutions, with the exception of the Illinois Technical School for Colored Girls, are archdiocesan institutions, so there is considerable uniformity in their programs. All follow the curriculum used in the parochial schools of the city, although the number of hours spent in classroom instruction varies. The Illinois Technical School frankly states that its name is a misnomer. St. Joseph's Bohemian Orphanage (Lisle) gives the name "industrial training" to the housework, mending, repairing, care of chickens, and the farming, which are necessary to the life of the institution.

St. Hedwig's, St. Mary's, and Angel Guardian (Kasper and Kettler) have from 700 to 1,100 children each and conduct printing and floriculture enterprises on a commercial basis. St. Mary's in addition has a farm of some 900 acres; and Angel Guardian operates three cemeteries, for which the Orphanage Florist supplies floral decorations, winter grave-coverings, and lawn care.

At St. Hedwig's, industrial training is given in classes, one day a week for those in the seventh grade and above. The girls spend half a day in a cooking class and the other half a day in sewing. The boys may learn farming, baking, printing and binding, and carpentry. The children also assist in the work of the institution. The print shop is a large undertaking which prints Polish textbooks that

[1] The Illinois legislature in 1929 provided for a state fund for equalizing school taxes in districts in which charitable associations have children attending public schools. *Illinois Laws*, 1929, p. 739. This will do away with the objection that was raised at Lake Bluff, for example, against the Methodist Deaconess Orphanage sending children to the public school.

are sold all over the United States. This furnishes employment and instruction for a number of the boys. The girls, on leaving, most frequently find positions as domestic servants.

The children at St. Mary's also assist in the work of the institution. For the girls, there is instruction in domestic science, laundry, sewing, and commercial work; and for the boys, printing, shoemaking, baking, carpentry, electrical repairing, and floriculture. The print shop prints religious books and does commercial work for city firms. The greenhouses have 30,000 square feet of ground under glass. Shoes and everyday clothing on a small factory scale are manufactured by the children for their own use.

At Angel Guardian, where there are 800 children, they complete the eighth grade and then are employed in so-called industrial work in the institution and carry on high school as a continuation course if they so desire. For the girls, one year is spent in the kitchen, which is equipped with electrical devices of all kinds; one year in the laundry; and a third year in sewing and the nursery. They are then supposed to be proficient in general housework. At the age of eighteen, a girl is given a sum of money and a complete outfit, which represent her earnings on the basis of credits earned by efficiency and behavior during the three years she has worked full time in the institution.

The boys may work in the print shop, the greenhouses, or at gardening in the three cemeteries in which 2,000 burials take place every year. At the age of twenty-one a boy likewise is given a sum of money according to credits earned, and a complete outfit. A few boys sometimes go on to college, and five have become priests.

The industrial training offered by the Catholic institutions raises several questions from the standpoint of investment of county funds for the education of dependent children. First, are the commercial enterprises for the purpose of education or do they incidentally furnish employment at no fixed rate of pay for numbers of children? And second, are scrubbing, dishwashing, steam laundry work, and caring for young children "industrial training" when performed for an institution of 800 inmates? It might even be questioned whether such experience is good preparation for domestic service in which most of the girls must earn a living for a time.

An even more vital question, perhaps, is whether industrial and

manual training schools have any place in a modern program of care for dependent children. If that kind of education is desired, the public schools are probably much better equipped to offer it at far less expense to the community than an institution in which specialized types of work of considerable variety must be set up. Another consideration is that all dependent children are not suited to this type of education, and a policy that places a child in an industrial school merely on the basis of his dependency falls short of modern standards of child care and education, which demand such careful individualization in the treatment of children for whom public or private social agencies assume responsibility.

The 1923 Amendment to the Juvenile Court Law

Reference has been made to the 1923 amendment to the juvenile court law which was intended to provide a fund for boarding children in family homes but which in reality is broad enough to permit payments not only to child-placing agencies but also to institutions of all kinds. Efforts were made for many years before this amendment was finally secured.

The need for foster-home care for certain children was so keenly felt by the Juvenile Court officials that in 1914 a Child-Placing Department was organized in the Probation Department. This was at first intended for semidelinquent girls, but was gradually expanded to cover the placing of dependent children of parents who could contribute toward their support. No appropriation has ever been made by the County Board toward the support of children placed by this Department; and the only funds, aside from those furnished by parents and relatives, have come from voluntary contributions. As the advantages of this type of care became more and more evident, and as the inadequacy of institutional provisions for Protestant children made the problem of planning for their care more difficult, the court officials and others urged that legislation be enacted authorizing the county to appropriate funds for boarding children in foster-homes.[1]

[1] *Charity Service Reports, Cook County, Illinois, 1921*, pp. 226–27. President Healy recommended to the Board of Commissioners in 1896 that they endeavor to secure state care of dependent children just as they were endeavoring to induce the state to

In 1923 the legislature enacted an amendment to the juvenile court law[1] which authorizes the court to commit dependent children "to some association embracing in its objects the purpose of caring for or obtaining homes for neglected or dependent children . . . . accredited" by the State Department of Public Welfare. The Board of Commissioners is to pay the association, with the understanding that the money is used only for the tuition, maintenance, and care of the children. As previously stated, the amount to be paid is left to administrative determination, and in 1930 was from $25 to $30 per month for each child. The policy of the court has been to commit children to five child-placing agencies, namely, the Catholic Home Bureau, the Jewish Home Finding Society, the Evangelical Lutheran Home Finding Society, the Department of Child Placing of the Joint Service Bureau, and the Illinois Children's Home and Aid Society. The amount of money paid to these agencies and the number of children under care in 1924, 1925, and 1926 are presented in Table XXII. From this table it appears that of the total sum expended through child-placing agencies during these three years, about 43 per cent has gone to the Catholic agency, 41 per cent to the non-sectarian, 10 per cent to the Jewish, and 6 per cent to the Protestant agency.

A matter of considerable interest to the so-called industrial and training schools is the difference in the size of the subsidy allowed them as compared with the child-placing agencies. The institutions with a high per capita cost and equipment for industrial training particularly feel dissatisfied that the county is paying $25 a month for a child in a boarding-home and only $15 for a girl and $10 for a

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take entire care of the insane (*Proceedings, 1896–1897*, p. 21). President Bartzen proposed in 1911 that the county look forward to establishing county institutions for dependent children, "which institutions should be under the sole control of the County Commissioners and subject always to a public inspection, which, it appears, is not now possible according to an eminent Judge of this County" (*ibid., 1911–1912*, p. 10). In 1921 President Ryan stated that private philanthropy had been greatly depended upon to care for children and that the county would probably soon have to develop a plan for boarding children in family homes at public expense, a plan that would not necessitate investment in buildings and which would be flexible (*ibid., 1921–1922*, p. 14).

[1] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. xxiii, sec. 196.

boy in a school; and some of them claim[1] that the court is discriminating unjustly when it selects five agencies to whom it pays $25 a month when the institutions are equally eligible under the 1923 amendment, viz., they are "accredited" associations, their purpose includes "caring for or obtaining homes for neglected or dependent children," and they are expending $25 a month or more for the "tuition, maintenance and care" of each child. To be sure, an amendment in 1929[2] permits the county to pay $20 a month for each child

TABLE XXII

BOARDING-CARE EXPENDITURES AND NUMBER OF CHILDREN UNDER CARE IN 1924, 1925, 1926*

AGENCY	NUMBER OF CHILDREN UNDER CARE AT END OF YEAR			AMOUNT OF MONEY EXPENDED			
	1924	1925	1926	1924	1925	1926	Total
Total	111	448	593	$18,070.08	$92,635.65	$144,786.63	$255,492.36
Catholic Home Bureau	36	217	273	$ 4,994.19	$38,603.79	$ 67,814.81	$111,412.79
Jewish Home Finding Society	13	35	65	1,998.29	7,923.81	13,475.93	23,398.03
Evangelical Lutheran Home Finding	4	29	45	692.05	4,947.55	9,930.78	15,570.38
Illinois Children's Home and Aid	58	167	210	10,385.55	41,160.50	53,565.11	105,111.16

* *Charity Service Reports, 1924*, p. 285; *ibid., 1925*, p. 296; *ibid., 1926*, p. 403.

in an industrial or training school, but at a meeting of the institutions with a committee from the Board of Commissioners in the fall of 1929, the Board's representatives made clear that the county would not increase the allowance from the $10 and $15 required to the $20 permitted by the amendment. Table XXIII shows the relative average cost to the county of caring for a child in an institution and in a boarding-home.

Another source of dissatisfaction to schools has been the change in policy of the county with regard to the amounts which the court

[1] See, for example, *The Glenwood Boy*, September–October, 1928.

[2] *Laws*, 1929, pp. 729, 744.

orders parents or others to pay toward the support of their children removed from the guardianship of the parents or relatives. Prior to 1928 these amounts, together with the fixed subsidy allowance, were paid to the schools the first part of every month, from the office of the Juvenile Court branch of the Circuit Court; but at the beginning of 1928 a new system was installed whereby all moneys received from parents or others are sent to the comptroller's office with a daily report, and are retained in the treasury to help reimburse the county for the subsidy which it pays for each child.[1] The subsidy payments are made from the comptroller's office upon the

TABLE XXIII

A COMPARISON OF COSTS FOR CHILDREN IN INDUSTRIAL SCHOOLS AND UNDER THE CARE OF CHILD-PLACING AGENCIES, 1924, 1925, 1926

YEAR	AMOUNTS PAID		AVERAGE MONTHLY NUMBER OF COURT CHILDREN UNDER CARE		AVERAGE MONTHLY COST PER CHILD	
	Industrial Schools	Child-Placing Agencies	Industrial Schools	Child-Placing Agencies	Industrial Schools	Child-Placing Agencies
1924	$303,237.36	$ 18,070.08	2,370	106	$10.66	$14.20
1925	304,590.92	92,635.65	2,352	338	10.80	22.84
1926	308,525.69	144,786.63	2,345	541	10.96	22.30

basis of the reports received from the Juvenile Court branch office. Complaints are made that these payments are sometimes three and four months late and that the county does not notify the institutions when the checks are finally ready.

THE PRESENT SITUATION

To summarize the present situation, it may be stated that the plan of subsidizing industrial and manual training schools and certain child-placing agencies, as it has been practiced in Cook County, has resulted in about 45 per cent of the dependent children who come before the Juvenile Court being supported in whole or in part from public funds. Eighty-eight per cent of these children are under

[1] The income from payments by parents and others for children in industrial and training schools amounted to $33,569.59 in 1920, and to $28,437.50 for children in institutions and $12,907.75 for those boarded in 1928 (figure for 1920 from *Charity Service Reports;* for 1928, from county comptroller's office).

the care of sectarian institutions and agencies. The choice of institutions to which the court can commit children is limited in two ways: (1) by legislation antedating the juvenile court law which makes any institution incorporated under those laws eligible to receive aid, and (2) by lack of other resources for the care of dependent children. The 1923 amendment relieves the situation to the extent that it permits the court to select and pay in its discretion other agencies than the industrial and training schools. An interesting fact is that the court has selected three sectarian and one non-sectarian agency, and that it is paying them an amount sufficient to cover the cost of tuition, maintenance, and care; but the question whether payments covering costs are "aid," and hence in violation of the constitutional prohibition, has not again been raised in the courts.

A serious weakness in the Illinois plan is the lack of power on the part of the authority ordering the payment of the subsidy to supervise the organizations subsidized. The state places the burden of payment upon the county but gives it no authority to regulate, require reports, or even adequately to inspect. The Department of Public Welfare, which has this power, has not always exercised it in a satisfactory manner. Consequently, standards of care vary greatly among the twenty-three institutions and five agencies subsidized. Children have been sent to institutions known to be unfit, because there has been no other resource in the community to meet their needs. Now that the court's powers of discretion in selecting organizations has been broadened by the boarding fund amendment, it is to be hoped that those definitely below standard can be discarded. The fact remains, however, that the court is dealing with organizations over whom it has little direct control and that many of the best institutions are overcrowded.

Another difficulty the boarding fund has not solved is the court's problem of what to do with the child whom the agency refuses to take as unplaceable. There is such a dearth of institutional provision for Protestant children that relatively more are placed on the boarding fund than those of other religions, and occasionally no satisfactory plan at all can be made. The Cook County Juvenile Court is keenly aware of its situation, and in presenting its needs recently to a committee of friends of the court, included "a boarding fund

administered by a public agency so that the court may not be entirely dependent upon private agencies which frequently refuse to accept children." Other needs included an adequate mothers' pension fund, an allowance for placing delinquent children in boarding-homes, and a reduction of case load to fifty for each probation officer.

The difficulties in developing a comprehensive child-welfare program under the subsidy plan are evident. Sectarian and nationalistic groups are often more energetic in organizing institutions and agencies for their groups than are non-sectarian associations, thus making a disproportionate provision for certain children and inadequate provision for others. An even more serious disadvantage is the "will to survive" which causes the organizations to take an individualistic view of legislation and administration. Changes are resisted, and it is difficult to modify policies which have once been established. Among certain institutions, the tendency has been to receive the majority of their wards from the court and to rely largely upon public funds for support.

CHAPTER VII

SUBSIDIES IN COUNTIES OUTSIDE OF COOK

Although Illinois contains the second largest city in the United States, it is primarily a rural state. As previously pointed out, the center of population and wealth is in Chicago and Cook County in the extreme northeast, although the entire state is rich in natural resources. The counties lying north and west of Cook form a fertile agricultural and dairying section in which the largest city is Peoria, with about 105,000 inhabitants.[1] The counties southwest of Cook and those in the central portion of the state contain varied agricultural land as well as valuable coal mines. Rockford with about 85,000 population, and Springfield, the state capital, with less than 72,000, are the largest cities in this region. The southern part of the state has some coal and oil resources but poorer land for agriculture than the northern section. East St. Louis on the Mississippi River, with a population of 74,000, is the only city here with more than 30,000 inhabitants. The southern portion of the state was settled originally by southern people and is separated from the domination of Chicago by several hundred miles, so that it is more akin in interest and outlook to the neighboring states of Kentucky and Missouri than to northern Illinois.

A study of the administration of charities, based on questionnaires and previous surveys, shows that the variations from county to county correspond in general to the differences in population and wealth. Seventeen of the one hundred and two counties, mostly in the south, are governed by a board of three county commissioners, a type of government brought to Illinois by the early settlers who came from Virginia and other southern states. The other eighty-four counties are organized into civil townships, each township electing a supervisor, and the supervisors forming a governing board for the county, as in New England and other northern states generally. The

[1] Population figures for Illinois cities are those of the 1930 Census. *Chicago Daily Tribune*, August 17, 1930.

decentralized plan of township organization makes each supervisor responsible for the administration of poor relief in his township.

Unequal wealth accounts also for differences in practices. The less well-to-do southern counties were found to have fewer private institutions than the northern, and more frequently to give a few hundred dollars as a lump sum appropriation to a state-wide agency, the Illinois Children's Home and Aid Society, to take care of the comparatively few children declared dependent each year.

Through the central part of the state, which is a rich farming and mining district, are found interesting developments of private institutions for children, gradually becoming semipublic. Five such institutions have had a similar history of beginning as a private charity in the largest city of the county, of receiving contributions from both the city and the county treasuries, and of gradually assuming a semipublic character so that many county wards are committed to them, although in the case of all except one the board of managers has remained private, that is, non-political. The exception is the McDonough County Orphanage in Macomb, which, although operated in 1916 by a joint board of managers and representatives of the board of supervisors, with the county contributing $1,200 a year and individuals in Macomb raising the balance of the budget,[1] in 1926 was managed by a committee of three supervisors with the county appropriation amounting to more than $12,000.[2]

Another semipublic institution is found in Galesburg, Knox County, where a group of individuals organized a "Kindergarten Association" with a home for dependent children in connection. Appropriations were secured from the city and county, amounting in 1913 to $500 from Galesburg and $900 from the county.[3] In 1928 the county appropriation was $1,200 and the city contribution was

[1] Annie Henrichsen, "The Almshouses, Jails and Outdoor Relief by Counties," *Institution Quarterly*, VII (March 31, 1916), 217. Reference hereafter to the "1916 Survey" will allude to this study.

[2] Information secured from the files of the Division of Visitation of Children, State Department of Public Welfare, Springfield. Facts given below, when not otherwise indicated, are likewise from this source.

[3] Vella Martin, "Public and Private Outdoor Relief in Illinois," *Institution Quarterly*, IV (September 30, 1913), 312. This study will be referred to hereafter as the "1913 Survey."

$1,080, to a total budget of more than $15,000 although the management remained with the private board.

Similar developments account for regular contributions from public funds to the Decatur and Macon County Welfare Home for Girls, the Edgar County Children's Home at Paris, and the Children's Home of Vermilion County at Danville. Three-fifths of the receipts for the last institution came from Vermilion County funds in 1928.

Two other institutions receiving regular contributions from a county and city, one in the extreme northern part of the state and the other in the southernmost county, should be noted. The Winnebago Farm School for Boys is a favorite charity in the city of Rockford and Winnebago County; and the Cairo Children's Home in Alexander County is a semipublic institution.

The greatest number and the largest proportion of children's institutions are found in the northern part of the state, where in Cook and the four adjoining counties there are nineteen institutions per 100,000 population as compared with ten per 100,000 for the forty-seven south central and southern counties.[1] Twenty-three of the twenty-seven institutions incorporated as industrial and training schools are in these four counties.

The increasing burden placed by the state legislature upon the counties in the form of mother's pensions, pensions for the blind, relief for war veterans, etc., without providing for grants in aid from the state, has in the past made the problems of the smaller and less wealthy counties very serious. The provision made by the 1929 legislature, for an appropriation for mothers' pensions to be disbursed in the form of grants-in-aid, when matched by the county, under the supervision of the Division of Visitation of Children, is, therefore, a sound measure that will at once relieve the county and improve the standard of care.[2] Mothers' pensions are mentioned frequently as a method of care that has made institutions less necessary than formerly, as, for example, in Bond and Schuyler counties, which re-

[1] Computed on the basis of the 1923 federal census of institutions for children and the 1920 federal census of population for Illinois counties.

[2] Edna Zimmerman, "State Aid for Mothers' Pensions in Illinois," *Social Service Review*, IV (June, 1930), No. 2, 222–37.

ported that no subsidies at all were given because children were cared for through mothers' pensions.

In counties which have not been able to afford to employ qualified social workers, a solution for the care of dependent children often suggested is a county or a state institution in which the children could be placed, leaving the parents to "hustle" for themselves, as one judge suggested. Even the old English poor-law workhouse seems a proper method to another judge, who states:

> The greatest need is for the State to establish a workhouse where men and women can be profitably employed and their earnings taken for the support of abandoned children and spouses. This would cure much of the trouble in a rural county like ours. . . . . My observation confirms me that in this County we have on an average of 50 to 60 children who are in homes which do not and cannot give them a square deal and only by chance do these children grow up other than criminals or paupers.[1]

The use made of hospitals and sanatoria in neighboring states, chiefly in Iowa, is to be noted.

The groups for whom public aid is most frequently given in Illinois are, first, the sick, then children. Tuberculosis associations often secure appropriations for the promotion of public health nursing which is gradually made wholly a county activity, and a travelers' aid society occasionally secures an appropriation.

Information about the practice of counties making appropriations and payments to private charitable organizations has been collected from three sources: the three reports already mentioned, made by inspectors for the state central authority and published in 1913, 1916, and 1920; questionnaires to county clerks and county judges distributed in August, 1929; and auditors' annual reports and proceedings of county supervisors for 1928, where such material was available.

The three surveys of public and private social agencies and institutions, made by the state inspectors, furnish the only comprehensive record extant of the extent and nature of social work, county by county.[2] Its limitations for this study lie in the fact that the record-

[1] Letter received from the juvenile court judge of Mercer County, September, 1929.

[2] The federal census bureau reported in 1904, 1910, and 1923 on benevolent institutions in each county of every state, but the data on income are not comparable.

ing of public funds to private organizations was incidental to the study and is not, therefore, as complete as is desired. Even so, twenty-six counties are reported by two surveys[1] as giving grants to private organizations; and an additional thirty-two are reported by one.[2]

In August, 1929, a questionnaire was sent to the county clerks requesting information as to the amounts paid in the last fiscal year to privately owned and managed institutions of any kind. A second questionnaire was sent to the county judges inquiring about arrangements made with private institutions for the care of dependent children. A total of eighty-seven replies were received, representing sixty-six counties, or about two-thirds of the counties of the state. The information thus assembled gives an interesting indication of the attitude of local authorities toward certain dependent groups, but it fails to present exact facts and figures as to amounts spent and numbers given care in private institutions. Separating such items from an annual report or from the minutes of the supervisors' meetings is a tedious task that a busy county clerk hesitates to undertake. Replies from some counties, therefore, were vague, stating that donations were made "sometimes" but giving neither the amounts nor the institutions.

The most reliable facts about public funds paid to private organizations are those that have been collected from auditors' reports or from the proceedings of county supervisors. It has been possible to get such material from eleven counties: De Kalb, Ford, Grundy, Iroquois, Jo Daviess, Livingston, McHenry, Peoria, Sangamon, Vermilion, and Whiteside.

The sixty-six counties from which replies were received are well distributed over the state. Thirty-eight of them reported subsidy appropriations in 1928, in amounts ranging from only $100 in Bureau

[1] These were Adams, Alexander, Champaign, Edgar, Kane, Knox, Lake, Macon, McDonough, McLean, St. Clair, Stephenson, Vermilion, Winnebago, De Kalb, Henry, Hancock, Kankakee, Madison, McHenry, Moultrie, Perry, Tazewell, Will, Warren, Whiteside.

[2] These were Bureau, Clinton, Coles, Effingham, Grundy, Hamilton, Jefferson, Jersey, Monroe, Montgomery, Morgan, Ogle, Wabash, Washington, Wayne, White, Jackson, Franklin, Ford, Du Page, De Witt, Cass, Carroll, La Salle, Logan, Macoupin, Marshall, Massac, Peoria, Rock Island, Sangamon, Williamson.

County to more than $40,000 in Sangamon County. The exact number of counties favoring each dependent group in 1928 was:

	Counties
Children only	20
The sick only	4
Children, the sick, and others	14
Total	38

The twenty counties contributing to private organizations for the care of children, were: Adams, Boone, Bureau, Clarke, Edgar, Gallatin, Greene, Johnson, Kendall, Knox, Lake, Lee, McLean, Massac, Moultrie, Randolph, Richland, Will, Wayne, and Winnebago. Carroll, Grundy, Jo Daviess, and De Witt were the four counties making allowance only for the sick; and Alexander, De Kalb, Ford, Fulton, Henry, La Salle, Iroquois, Livingston, McHenry, Peoria, Sangamon, Stephenson, Vermilion, and Whiteside made appropriations to children's organizations, hospitals, and other social agencies. The last included the Peoria County Anti-Tuberculosis Association, the Henry County Crippled Children's Clinic, and the Travelers' Aid Society in Vermilion County.

TABLE XXIV

PAYMENTS TO PRIVATE ORGANIZATIONS FOR THE CARE OF THE SICK POOR, CHILDREN, AND OTHERS IN ELEVEN COUNTIES, 1928

COUNTY	POPULATION 1926*	EXPENDITURES, 1928				PER CAPITA
		Sick	Children	Others	Total	
De Kalb†	31,339	$ 5,258.77	$ 4,903.44	.....	$10,162.21	.....
Ford	16,446	1,901.70	1,322.21	.....	3,223.91	$0.195
Grundy	18,580	509.00	.....	.....	509.00	0.027
Iroquois	34,841	9,200.50	323.66	.....	9,524.16	0.273
Jo Daviess	21,917	4,819.53	.....	.....	4,819.53	0.219
Livingston†	39,070	1,790.71	1,181.38	.....	2,972.09	.....
McHenry	33,399	234.71	511.97	.....	746.68	0.022
Peoria	115,840	15,981.04	1,518.01	.....	17,499.05	0.151
Sangamon	103,591	23,269.84	18,719.56	$ 1,541.79	43,531.19	0.420
Vermilion	89,106	548.80	15,839.82	675.00	17,062.52	0.191
Whiteside	36,773	2,293.05	780.00	.....	3,073.05	0.083

* *Chicago Daily News Almanac and Year Book, 1928*, p. 592.
† For nine months only.

Not only the kinds of agencies subsidized, but also the extent of

the expenditures in the thirty-eight counties, is of interest. Unfortunately, this information could be secured accurately for only the eleven counties mentioned above from which auditors' and supervisors' reports were secured, and the per capita expenditures based on these reports are presented in Table XXIV.

Although the per capita expenditure for subsidies in Cook County is about eighteen cents, it appears from these figures that five counties—Ford, Iroquois, Jo Daviess, Sangamon, and Vermilion—were spending from nineteen to forty-two cents. The fact that most of the counties did not have county hospitals, but depended upon private institutions for the care of the sick poor, accounts for the large amounts expended in some cases. Sangamon and Vermilion counties, however, were expending substantial sums for children in private institutions, and Sangamon County also allowed the Family Welfare Association $1,541.79 for rent, while Vermilion County appropriated $675 to the Travelers' Aid Society.

Subsidies to Children's Organizations in Thirty-eight Counties

All but four of the thirty-eight counties which made appropriations to private organizations included children's agencies among those so favored. A total of twenty-eight agencies were mentioned, nine of them by three or more counties and nineteen by one or two counties. Both lump-sum and per capita methods of payment were used.

Lump-sum appropriations varying from $200 to $1,200 in amount were allowed in nine counties in 1928. This practice seems to prevail in counties which are poor, oftentimes lacking private agencies and depending upon a state-wide agency, the Illinois Children's Home and Aid Society, to take charge of all of their dependent children in return for a small donation made from time to time. Of the nine counties, six in the southern part of the state—Gallatin, Johnson, Massac, Randolph, Richland, and Wayne—gave such donations in 1928; and a seventh, Marion, also in southern Illinois, reported that it had formerly made such a donation. Of the remaining counties, Adams appropriated $900; Knox County, $1,200 to the Knox County Kindergarten Association; and Will County allowed $200 apiece

to two local orphanages, the Lutheran Home for Children and the Guardian Angel's Home for Children.

An examination of appropriations made on a per capita basis in thirteen counties which reported both the rate and the institutions reveals some interesting and significant facts, presented in Table XXV.

TABLE XXV

PER CAPITA PAYMENTS TO CHILDREN'S AGENCIES IN THIRTEEN COUNTIES

County	Per Capita Rate	Institution
Bureau	$15	Lincoln Colored Home
Fulton	25	Glenwood Manual Training School
Greene	20	Mason Deaconess Home and Baby Fold
Henry	15	Lutheran Home and Farm School
Kendall	25	Lutheran Home Finding Society
Lee	20	Peek Orphanage
		Illinois Children's Home and Aid Society
	25	Glenwood Manual Training School
		St. Vincent's Industrial and Training School
Livingston	10	Salem Orphanage, Flanagan
	20	Mason Deaconess Home and Baby Fold
		Girls' Industrial School, Bloomington
McLean	10	Home of the Good Shepherd
		Girls' Industrial School
		Victory Hall
		McLean County Home for Colored Children
Moultrie	8	Kemmerer Orphans' Home
Sangamon	15	Children's Service League
		Lincoln Colored Home
		Orphanage of the Holy Child
		Redemption Home
Vermilion	18	Children's Home of Vermilion County
Whiteside	20	Glenwood Manual Training School
Winnebago	18	St. Vincents' Industrial and Training Schools
	30	Rockford Children's Home
		McFarlane Children's Home

It is evident from the figures in Table XXV that the same county may be paying different rates to different institutions, a practice in contrast to that of Cook County, where the industrial and training school acts have been carried out literally and the institutions have received $10 and $15, for each child. Lee, Livingston, McLean, and Winnebago counties, for example, have paid various amounts to different children's institutions. Thus in Lee County, St. Vincent's Industrial and Training Schools received $10; Peek Orphanage, $20; and the Glenwood Manual Training School, $25.

The same institution, also, seems to strike different rates with different counties if St. Vincent's Industrial and Training School may be taken as an example, for it received children from Lee County for $10, and from Winnebago for $18. Similarly, the Glenwood Manual Training School, which has been trying for some time to persuade Cook County to allow more than the usual $10 per boy, received in 1928, $25 from Fulton and Lee and $30 from Whiteside.

A fact of even greater significance is that many counties have apparently not distinguished between industrial and training schools, to which they are authorized by law to pay for the care of children committed by the court, and other children's institutions. Although there are twenty-seven industrial and training schools in the state,[1] of the nineteen institutions to which children in sixteen counties were committed, only four were industrial or training schools. This is no doubt partly accounted for by the fact that of the twenty-seven industrial and training schools, only four—St. Vincent's Industrial School for Girls and Training School for Boys at Freeport, and Guardian Angel Industrial School for Girls and Training School for Boys at Peoria—are outside of Cook or adjoining counties. On the other hand, if the counties other than Cook had considered their power to make payments for the care of children limited to that given by the industrial and training school acts, undoubtedly other institutions would have incorporated under those acts in order to receive the subsidy.

Counties other than Cook have made appropriations for a number of years to the child-placing societies also, although the state legislature did not authorize such appropriations until 1923.[2] In 1917 and 1918, for example, Carroll, Ford, Franklin, Jackson, Logan, Massac, Moultrie, Peoria, Perry, Tazewell, and Williamson counties paid from $30 to $400 to the Illinois Children's Home and Aid Society.[3]

It is not clear under what authority prior to 1923 the counties were making payments to those private institutions and agencies other than industrial schools. That the supervisors did not consider

[1] See above, p. 117.

[2] See above, pp. 90–91.

[3] Elizabeth Jack, "Survey of Social Conditions in Illinois," *Institution Quarterly*, XI (June–September, 1920), 186, 230, 232, 265, 317, 342, 369, 377, 390, 454, 486. This will be mentioned hereafter as the "1920 Survey."

such appropriations under poor relief is evident from the fact that only one (McHenry County) of the eleven counties[1] for which exact information could be secured charged such payments to "county poor claims"; the other eight[2] reported them in the supervisors' *Proceedings* under the following committees:

Claims other than paupers	De Kalb, Iroquois
Court house and jail claims	Ford
Finance	Livingston, Whiteside
Asylum and hospital or detention home	Sangamon
Charitable institutions	Peoria*
Charities (other than county home)	Vermilion*

*From the auditor's report.

Since the amendment in 1923, most of the counties, contrary to the view taken by Cook County, consider they are thereby authorized to make payments to any accredited association "embracing in its objects the purpose of caring for or obtaining homes for neglected or dependent children." But prior to 1923, it would appear that each county made the arrangement most feasible with whatever local institution or institutions might be available. The four original industrial schools near Chicago and the state-wide Illinois Children's Home and Aid Society were also used, each county making terms with them.

In 1928 the institutions to which children were committed and to which subsidies were paid, numbered twenty-seven;[3] most of them were located in the county or an adjoining county from which children were committed. Exceptions were the Illinois Children's Home and Aid Society, which served the entire state, receiving children from fifteen counties;[4] the Glenwood Manual Training School, which had boys from ten counties[5] as distant as Fulton, McLean, and Pe-

[1] See p. 183.

[2] Grundy and Jo Daviess counties made no appropriations to children's organizations in 1928.

[3] Replies to the questionnaires did not always contain the names of institutions. It should be further borne in mind that no replies were received from thirty-five counties and it is not known to what institutions children were committed or what amounts were paid from the county treasuries.

[4] Clark, De Kalb, Ford, Fulton, Gallatin, Henry, Iroquois, Johnson, La Salle, Lee, Marion, Massac, Richland, Vermilion, Wayne.

[5] De Kalb, Fulton, Iroquois, La Salle, Lake, Lee, Livingston, McLean, Peoria Whiteside.

oria, all in the central part of the state; and the Mason Deaconess Home and Baby Fold, which had a few children from Greene County in the southwestern part of the state. Four counties[1] sent girls to the Park Ridge School, and four also sent children to St. Vincent's Industrial and Training Schools.[2]

Other institutions to which subsidies were paid were Chicago Industrial School for Children, Girls' Industrial Home of McLean County, and Victory Hall, each of which received children from three counties; and the following, which received children from the local or an adjoining county: Elizabeth McFarlane Home for Children, the Children's Home of Rockford, Kings' Daughters' Children's Home, Winnebago Farm School, Lincoln Colored Home, McLean County Home for Colored Children, Knox County Kindergarten Association, Salem Orphanage, Lutheran Home and Farm School at Andover, Lutheran Home and Industrial School at Joliet, Lutheran Home Finding Association, Vermilion County Children's Home, Guardian Angel Orphanage, Kettler Training School for Boys and Kasper Industrial School for Girls, St. Hedwig's Industrial School for Girls and Polish Manual Training School for Boys, St. Mary's Training School and Chicago Industrial School for Girls, Dorcas Home and Aid Society, Children's Service League at Springfield, and the Catholic Children's Home at Springfield.

In addition to these twenty-seven institutions and agencies, four others—the Peoria Home of the Good Shepherd, the House of the Good Shepherd at Chicago, Crittendon Home at Peoria, and the Springfield Redemption Home—received delinquent girls from six counties.[3]

In order to determine the sources of income for these institutions data were secured from the files of the Division of Visitation of Children of the Department of Public Welfare, from which Table XXVI, showing the sources of receipts for twenty-two of the institutions, has been compiled.[4]

[1] Boone, De Kalb, La Salle, Lake.

[2] Boone, Lee, Stephenson, Winnebago.

[3] La Salle, Livingston, McLean, Peoria, Sangamon, Stephenson.

[4] The same warning about the lack of uniformity in accounts and reports should be given for these figures as was expressed for those in chapter vi. See above, pp. 156–57.

TABLE XXVI

SOURCES OF RECEIPTS FOR TWENTY-TWO INSTITUTIONS, 1928

INSTITUTION	RECEIPTS					
	Total	Public Funds	Donations	Industries and Earnings	Gifts, Investments	Other Sources
Chicago Industrial Home	$ 19,809.57	$ 1,100.14	$ 10,900.28	$ 5,599.48	$ 521.97	$ 1,687.70
Children's Home of Rockford	38,040.29	15,178.50	12,383.35	7,841.25	1,381.33	1,255.86
Children's Home of Vermilion County	24,875.23	15,687.31	2,968.98	77.50	1,510.00	4,631.44
Decatur and Macon County Home	26,465.36	5,497.50	8,798.47	.....	.....	12,169.39
Edgar County Children's Home	8,778.82	5,000.00	535.00	484.97	1,320.46	1,438.39
Crittendon Home	10,346.90	219.22	6,508.14	964.00	760.14	1,895.40
Galesburg and Knox County Free Kindergarten Association	15,444 11	2,280.00	7,203.45	4,258.60	.....	1,702.06
Girls' Industrial Home, McLean County	22,560.61	4,588.05	1,946.25	4,761.49	9,278.91	1,985.91
Guardian Angel Orphanage	49,228.59	1,512.00	23,266.83	.....	4,530.00	19,919.76
Guardian Angel Industrial and Training School	69,702.69	873.00	59,440.61	6,766.50	1,592.94	1,029.64
Home of Good Shepherd	24,398.57	2,937.46	10,184.15	11,276.96	.....	.....
Lincoln Colored Home, Springfield	11,345.21	5,234.00	.....	10.00	5,567.93	533.28
Lutheran Home and Farm School	17,259.43	480.00	5,000.00	1,257.00	9,750.86	771.57
Lutheran Home and Industrial School	18,745.84	1,500.00	6,927.03	4,116.10	3,109.69	3,093.02
McLean County Home for Colored Children	4,941.32	800.77	1,557.00	299 57	1,036.25	1,247 73
Mason Deaconess Home and Baby Fold	22,366.24	3,755.15	6,323.23	3,925.16	.....	8,362 70
St. Vincent's Industrial School for Girls	15,455.74	6,332.17	4,629.67	.....	.....	4,493.90
St. Vincent's Training School for Boys	23,138.62	9,498.26	6,944.51	.....	.....	6,695.85
Salem Orphanage	21,849 02	1,519.00	5,428.58	.....	900.00	14,001.44
Springfield Redemption Home	9,330.13	1,487.31	6,660.83	499.00	.....	682.99
Victory Hall	15,955.63	5,980.72	3,000.00	4,203.30	162.50	2,609.11
Winnebago Farm School	32,216.79	7,624.80	.....	1,440.66	22,253.81	897.52
Total	$502,254.71	$ 99,085.36	$190,606.36	$ 57,781.54	$ 63,676.79	$ 91,104.66

If the total receipts from public funds and from donations, as given in Table XXVI, are compared with the total receipts from all sources, it is found that these twenty-two institutions received 19 per cent of their receipts from public funds and about twice as much (37.3 per cent) from donations.[1]

In order to show more clearly the distribution of receipts by sources for each institution, the material has been prepared in percentages (Table XXVII).

TABLE XXVII

PROPORTION OF RECEIPTS FROM PUBLIC FUNDS, DONATIONS, AND ALL OTHER SOURCES, TWENTY-TWO INSTITUTIONS, 1928

INSTITUTION	PERCENTAGE OF RECEIPTS RECEIVED FROM—		
	Public Funds	Donations	All Other Sources
Chicago Industrial Home	8.5	55.0	39.5
Children's Home of Rockford	39.9	32.6	27.5
Children's Home of Vermilion County	63.0	11.9	25.1
Decatur and Macon County Children's Home	20.7	33.2	53.9
Edgar County Children's Home	56.8	6.0	37.2
Crittendon Home	2.1	62.9	35.0
Galesburg and Knox County Kindergarten Association	14.7	46.6	38.7
Girls' Industrial Home, McLean County	20.3	8.6	71.1
Guardian Angel Orphanage	3.0	47.2	49.8
Guardian Angel Industrial and Training School	1.2	85.2	13.6
Home of the Good Shepherd	12.0	41.7	46.3
Lincoln Colored Home, Springfield	46.1	.....	53.9
Lincoln Home and Farm School	2.7	28.9	31.6
Lutheran Home and Industrial School	8.0	36.9	55.1
McLean County Home for Colored Children	16.2	31.5	52.3
Mason Deaconess Home and Baby Fold	16.7	28.2	55.1
St. Vincent's Industrial School for Girls	40.9	29.9	29.2
St. Vincent's Training School for Boys	40.6	30.0	29.4
Salem Orphanage, Flanagan	6.9	24.8	68.3
Springfield Redemption Home	15.9	81.1	13.0
Victory Hall	37.8	18.8	43.4
Winnebago Farm School	23.6	.....	76.4

Thirty-seven per cent or more of the receipts of seven institutions came from public funds in 1928, according to Table XXVII. Two

[1] In 1910, all the institutions and agencies caring for children in Illinois had a combined total of receipts of $2,182,677, of which $87,839, or 4 per cent, came from appropriations, and $1,089,733, or 50 per cent, was from donations. In other words, more than twelve times as much of the receipts came from donations as from appropriations. Bureau of the Census, *Benevolent Institutions* (1910), pp. 96–100, 184, 188.

of the semipublic institutions—the Children's Home of Vermilion County and the Edgar County Children's Home—received 63 and 57 per cent of their receipts, respectively, from this source. The two groups of industrial and training schools, although both are under Catholic auspices, show no uniformity in sources of receipts, Guardian Angel having received only 1.2 per cent from public funds and 85.2 per cent from donations, while St. Vincent's secured about 40.5 per cent from public funds and about 30 per cent from donations.

What can be said of the standards of care and services rendered by these twenty-two institutions? Three are "refuge" homes for unmarried mothers, which receive girls of any age at so much per case. The Home of the Good Shepherd, Peoria, has a daily average number of seventy-three; but the Florence Crittendon Home, Peoria, and the Springfield Redemption Home care for only about ten girls at a time. The last also cares for dependent children under school age and places children in homes under the supervision of the Division of Visitation of Children.[1]

All of the remaining nineteen institutions except four receive both boys and girls. Decatur and Macon County Welfare Homes for Girls and the Girls' Industrial Home, Bloomington, are for girls only; and Victory Hall, Normal, and Winnebago Farm School, Rockford, take only boys. Three of the institutions reported that they accepted both dependents and delinquents. These were the Decatur and Macon County Welfare Home for Girls, for girls of all ages; the Guardian Angel Industrial School for Girls and Training School for Boys, which has an age limit of twelve; and the Lincoln School for Colored Children, ages one to fourteen. Placing children in foster homes was reported by all of the institutions except the Chicago Industrial Home for Children near Chicago; the probation officer did the placing for the Children's Home of Rockford and the Girls' Industrial Home, Bloomington. Nine institutions send the children to the public schools. The widespread placing as an incidental part of their work and the mingling of dependents and delinquents in a few institutions are indicative, perhaps, of the general standard of work.

[1] *Report to the Division of Visitation of Children, Department of Public Welfare, December 31, 1928.*

Certainly there is great diversity among the nineteen institutions as to capacity, ages of children received, and the rates charged the counties for the care of county wards. The daily average number of inmates was:

Under 10 children	1 institution
20–30 children	3 institutions
31–40 children	1 institution
41–50 children	5 institutions
51–60 children	1 institution
61–70 children	2 institutions
71–80 children	2 institutions
81–90 children	0 institution
91–100 children	1 institution
160–70 children	2 institutions
235 children	1 institution

The three institutions with more than 160 children each were the Catholic industrial schools, Guardian Angel, St. Vincent's, and the Guardian Angel Orphanage. The one with an average population of seven was the McLean County Home for Colored Children.

Six institutions had, as their lower age limit, one year or under. These were Chicago Industrial Home for Children, Children's Home of Rockford, Lincoln Colored Home, Mason Deaconess Home and Baby Fold, St. Aloysius Orphanage, St. Vincent's Industrial School for Girls and Training School for Boys. All of them except three—the McLean County Home for Colored Children, Victory Hall, and Winnebago Farm School—cared for pre-school age children. The upper age limit ranged from ten to eighteen years; the two Lutheran institutions—Salem Orphanage, and Galesburg and Knox County Kindergarten Association—had the lowest limit. The Children's Home of Rockford, the Girls' Industrial Home, and Guardian Angel Orphanage, on the other hand, kept children until the age of sixteen or eighteen, and the Children's Home of Vermilion County stated they would take children of "all ages"; and Decatur and Macon County Welfare Home for Girls reported "no limit."

Do the children in these institutions remain for long periods, or are they rapidly placed back in the communities from which they come? To answer this question in part, Table XXVIII was constructed to show the proportion of children in eighteen institutions

who remained at the end of the year 1928 when compared with those in the institution during the whole of the year.

TABLE XXVIII

PROPORTION OF CHILDREN IN EIGHTEEN INSTITUTIONS WHO REMAINED AT THE END OF THE YEAR, 1928

Institution	Total in School during Year	Number Remaining at End of Year	Per Cent Remaining at End of Year
Galesburg and Knox County Kindergarten Association	53	21	39.6*
Decatur and Macon County Welfare Home	100	45	45.0
Children's Home of Vermilion County	170	86	50.6
Lutheran Home and Industrial School	104	62	59.6
Mason Deaconess Home and Baby Fold	137	84	61.3
Girls' Industrial Home	105	65	61.9
Salem Orphanage	101	66	65.3
Victory Hall	81	53	65.4
St. Aloysius Orphanage	74	49	66.2
St. Vincent's Industrial School for Girls	145	97	66.9
St. Vincent's Manual Training School for Boys	210	141	67.1
Guardian Angel Industrial and Training School	260	178	68 4
Children's Home of Rockford	388	267	68.8
Winnebago Farm School	33	24	72.7
Guardian Angel Orphanage	227	166	73.1
Lincoln Colored Home	44	34	77.2
Lutheran Home and Farm School	62	48	77.4
McLean County Home for Colored Children	14	11	78.5
Edgar County Children's Home	34	28	82.3

* Ten were discharged because they reached their majority.

The turnover in the population of the institutions, according to these figures, was low, ranging from about 20 to 60 per cent. More than three-quarters had less than 40 per cent variations in population; four institutions had less than 25 per cent.

The rates asked from counties for the care of children varied as follows:

$10 a month ..... 2 institutions
12 a month ..... 1 institution
15 a month ..... 3 institutions*
16 a month ..... 1 institution
18 a month ..... 1 institution
20 a month ..... 4 institutions
25 a month ..... 1 institution
30 a month ..... 1 institution

* One of these three institutions, Decatur and Macon County Welfare Home, charged $30 a month if the girl was delinquent.

Special mention should be made of the two groups of industrial and training schools which again show divergence from one another. Guardian Angel, located on twenty-eight acres of ground near Peoria, is managed by nine sisters of St. Francis. The average population is 170, made up of both dependent and delinquent boys and girls under twelve years of age. Nine children were placed in homes in 1928. The Division of Visitation of Children reported on their last visit that the institution was overcrowded and understaffed. St. Vincent's, managed by thirty-three sisters of Sacred Heart, is located on forty-eight acres of ground near Freeport. It has a total average population of 250. Boys and girls are received "from infancy up," and five were attending public high school in 1928. Eleven children were placed in homes in that year. Children are accepted from the county for $10 a month and by private arrangement at $5 to $12. "Special educational work" for the girls includes music, art, and domestic science such as sewing and domestic work; and for the boys, gardening, poultry- and stock-raising.

On the whole, the picture presented by the twenty-two institutions to which the counties reported making payments in 1929 is one of undifferentiated children's work. Infants, school-age children, and adolescents are housed together in congregate buildings. One of the so-called industrial and training schools keeps children only until the age of twelve—the age at which industrial training should begin rather than end. Child-placing is done almost universally, although eighteen institutions placed only 113 children during the year, usually through the local pastor or probation officer.

Mention should be made of the work of the state-wide child-placing agency, the Illinois Children's Home and Aid Society, which in 1928 received payments for children from fifteen of the counties reporting. This agency which maintains two receiving homes, one near Chicago and the other in Duquoin in the extreme southwestern part of the state, has been hampered by lack of funds in employing an adequate and skilled staff to cover so large a territory. "Notwithstanding the fact that practically half of the children under the Society's care come from outside of Cook County, the reimbursement from the downstate counties is exceedingly small in compari-

son."[1] The total for 1928 from counties outside of Cook was less than $5,000, and from Cook County, $122,000.[2]

Subsidies to Health Agencies in Thirty-eight Counties

Although eighteen,[3] or almost one-half, of the counties reporting subsidies were making payments for the care of the sick poor, this was fewer than the number (thirty-four) aiding children's organizations. The amount spent on health, however, exceeded the expenditures for children. Most of the payments were to hospitals and sanatoria, but Peoria allowed $5,000 to the Peoria County Anti-Tuberculosis Association and Henry gave $800 to the Crippled Children's Clinic.

Public provision for the sick poor is found in twenty-two counties.[4] Only ten of these, however—Champaign, Cook, Iroquois, Kane, Knox,[5] Lake, Madison, St. Clair, Shelby, and Winnebago—have general hospitals. Several of this group maintain tuberculosis sanatoria as well; viz., Champaign, Cook, and Madison. Cook County has in addition a hospital for nervous and mental patients.

Twelve counties have tuberculosis sanatoria but no general hospital for the indigent sick. These are: Adams, De Kalb, McDonough, McLean, Macon, Morgan, La Salle, Livingston, Rock Island, Tazewell, Will, and Woodford.

Expenditures for the care of the sick poor in private hospitals usually appear under "pauper claims" and are authorized by the statute enacted in 1889 permitting a county or city to contribute to the support of any non-sectarian hospital for the care of the sick or infirm if the hospital is located within its limits.[6]

The amounts paid hospitals seem to be a matter that each city or county arranges with each hospital. Usually the patients are distributed among several hospitals, according to their residence. The

[1] Letter from the superintendent, December 21, 1929.

[2] *Ibid.*

[3] See p. 184.

[4] Letter from Miss Edna Zimmerman, Department of Public Welfare, April 10, 1930.

[5] The hospital is in connection with the County Home.

[6] *Illinois Laws* (Bradwell's ed.), 1889, sec. 89, p. 51.

three counties which reported the rates paid sanatoria varied widely: Carroll was supporting a patient in Sunny Creek Sanatorium located in the neighboring town across the state line, Dubuque, Iowa, at $18 a month; Sangamon was giving St. John's Sanatorium $30; and Fulton was allowing $50 to St. John's and to Elm Grove Sanatorium.

Two questions might be raised about most of these appropriations: first, whether an appropriation to a hospital or sanatorium maintained by a Catholic order is to a "non-sectarian" organization as the law stipulates; and second, whether appropriations to institutions in other counties or in another state can be considered within the county's "limits." These deviations from the letter of the law, however, are the only alternative when a county has no hospital facilities, public or private, within its boundaries.

On the whole, none of the statutory regulations of payments to private organizations has been strictly observed outside of Cook County, partly because the amounts expended in this way were small, and partly because they were so clearly for the public welfare that no one has disputed the county's right to appropriate in unauthorized ways.

CHAPTER VIII

SUBSIDIES IN THE CITY: CHICAGO

The support of charities, under either public or private auspices, has never been a major expenditure in Chicago. Since a city derives its functions of service as well as control from the legislature, one reason for the comparatively small expenditures in Chicago has been that in Illinois the care of the destitute and delinquent is a county function. The City Council has been empowered to establish certain health and correctional institutions, and since 1915 has maintained a Department of Public Welfare which has to do only with unemployment and research. This limited activity is in contrast to the organization in New York City, where the Department of Public Welfare offers specialized services to the destitute sick, children, feeble-minded, the blind, and the homeless, and where the cost is around eight million dollars a year.[1]

Also unlike New York City, the appropriations to private charitable organizations in Chicago have never been extensive, again because the legislature has not authorized general appropriations to institutions other than hospitals,[2] and because, in the absence of express legislative authority, a municipality has no power to make such appropriations.[3] Mention should be made, however, of payments from fines to designated institutions, which the legislature at one time made mandatory but which have been declared unconstitutional or have become negligible.[4] The authority under which the city has paid for female juvenile offenders in two private institutions instead of sending them to the House of Correction is not clear from the statute;[5] but no one has ever questioned the right of the city to make this arrangement, probably because it is obviously for the public welfare to keep young girls away from old offenders. The

[1] *Report of the Department of Public Welfare, City of New York, 1926*, pp. 10, 32.

[2] *Illinois Revised Statutes* (Smith-Hurd), 1929, chap. 23, sec. 164.

[3] 11 *Corpus Juris* 373.

[4] See below, p. 200.

[5] *Illinois Laws*, 1871, sec. 12, p. 482.

total sum appropriated for this purpose and for aid to three children's hospitals and homes amounts to about $50,000 a year.

Appropriations to Organizations Incorporated by Special Laws

Prior to the adoption of the constitution of 1870, the city was authorized to contribute to the support of two associations incorporated by special laws.[1]

One of these was the Chicago Relief and Aid Society, incorporated in 1857, to which the city was authorized to contribute money or to allow the use of city property for the storage of wood or other purposes.[2] In return, the Society was to report annually "all their doings," including a list of contributions, membership, their receipts and expenditures, as well as the "conditions and wants" of the city poor and the "plans and intentions" of the Society in dealing with them. The report was to be published by the city and circulated.

The other organization was the Washingtonian Home, incorporated in 1867[3] for the "care, cure and reclamation" of inebriates, to which the city was instructed to pay 10 per cent of the revenue from all liquor licenses. With the permission of the officers, any person sentenced to the Bridewell, or House of Correction, for intemperance might be sent to this institution instead. As the city grew and many liquor licenses were issued, the 10 per cent allowed the Washingtonian Home increased in importance, and in 1883 amounted to more than $34,000. The city secured an amendment to the act in that year, limiting the payment to $20,000 a year, an arrangement which continued until January, 1893, when the city treasurer refused further payment. The Home petitioned the Circuit Court for a mandamus to compel the city to continue payment, the petition was dismissed, and the case was appealed to the Supreme Court, which affirmed the decision on the grounds that the constitution of 1870 prohibited municipalities from making donations to private corporations and thus automatically repealed the provision in the act of 1867 for a 10 per cent donation of liquor-license money.[4]

[1] Special incorporation was forbidden in the constitution of 1870, art. xi, sec. 1.

[2] *Illinois Private Laws*, 1857, p. 1123.

[3] *Ibid.*, 1867, p. 141. [4] *Washingtonian Home* v. *City of Chicago* (1893), 157 Ill. 414.

Payments from Fines

According to an act of 1869,[1] all fines collected by the city from keepers, inmates, and visitors to houses of prostitution were to be divided between the House of the Good Shepherd and the Erring Women's Refuge for Reform.[2] Amounts varying from $500 to $12,500 a year were paid to each of these institutions over a period of forty-seven years. No payments have been made, however, since 1917, when an appeal was taken to the Supreme Court from a decision dismissing a bill for an injunction to restrain payment of public money to the House of the Good Shepherd on the ground that such payment was "a donation of public money in aid of the Catholic Church" and hence in violation of the constitutional prohibition against aid to sectarian institutions. The Supreme Court reversed the decision of the circuit court which had dismissed the bill, and remanded it with directions to permit the defendants "to plead or answer further if they so desire."[3]

A statute, appropriating to a humane society or a society for the prevention of cruelty to animals or children all fines paid in money and imposed through the agency of such an organization, was passed in 1885.[4] A section of the act permits any city to make similar provision for fines levied under city ordinances, and Chicago has done this.[5] The Illinois Humane Society, organized in 1869, received from $25 to $350 a year from this source from 1885 until 1911, when three additional associations—the Society of Humane Friends, the Anti-Cruelty Society, the State Humane Association—became active. With the rapid replacing of the horse by the automobile, the work of these societies has diminished, until in 1926 only $25 was awarded in fines, and in 1927, $50.

Payments for Juvenile Delinquents Outside the House of Correction

The house of correction act of 1871 empowers the board of inspectors of a house of correction to "establish in connection with the same a department thereof, to be called a house of shelter, for the

[1] *Illinois Private Laws*, 1869, I, 254. [2] Now the Chicago Home for Girls.

[3] *Straley* v. *House of the Good Shepherd* (1917), 281 Ill. 604.

[4] *Illinois Laws*, 1885, p. 200.

[5] *Ettelson-Chicago Municipal Code*, 1922, chap. iv, sec. 49, p. 13.

complete reformation and education of females."[1] Prior to 1903 young girls were committed to the House of the Good Shepherd and the Chicago Home for Girls on a mittimus; but inasmuch as neither of the institutions had been authorized to detain persons, the girls were invariably released upon application, on writs of habeas corpus. In 1903, the city designated these institutions as "houses of shelter" in connection with the House of Correction,[2] and has paid them a per diem for each girl so committed.

The connection of these "shelters" with the House of Correction has been a nominal one for many years. The Chicago Commission on City Expenditures reported in 1910:

> The purpose of this arrangement, as explained by the Superintendent, was to provide separate quarters for young girls received at the House of Correction, where they could be disciplined and educated without coming in contact with the adult population. As a matter of fact, however, only a very small number of the girls for whom quarterly charges are rendered . . . . are really received at the House of Correction and transferred, the majority being young girls, ranging in age from eight to twelve years, who are committed to these institutions direct by the Juvenile Court, under whose jurisdiction they remain during the period they are retained.
>
> The House of Correction has no record of the number of girls committed to these places, nor is it advised of their departure except at the end of each quarter, when bills are rendered by both institutions showing the name, date of arrival and date of departure of each girl for whom charge is made. . . . .[3]

The authority of the governing board of the house of correction over the houses of shelter is not specified in the statute, as the provision for shelters was doubtless intended to enable their establishment under public auspices. The only specification is that the Board of Inspectors "shall adopt rules and regulations by which any female convict may be imprisoned in one or more separate apartments of the said . . . . house of shelter"; and that the superintendent of the house of correction shall appoint a matron and other teachers.[4] It might even be questioned whether the statute gives the Board of Inspectors the power to place female offenders in private

[1] *Illinois Laws*, 1871, sec. 12, p. 482.

[2] *Thirty-second Annual Report, Board of Inspectors, House of Correction, Chicago* (1903), p. 8.

[3] Chicago Commission on City Expenditures, C. E. Merriam, chairman, *Preliminary Report on the House of Correction* (1910), p. 16.

[4] *Illinois Laws*, 1871, sec. 12, p. 482.

institutions. In 1886 the Board of Commissioners of Public Charities made this comment on the arrangement:

> Power is conferred upon the municipal authorities of any city within the state to establish a house of correction . . . . ; and the county boards are authorized to transfer convicts committed to the county jail to workhouses or houses of correction. We are not aware of any provision which authorizes the commitment of sentenced offenders either to the House of the Good Shepherd, which is a Catholic institution, or to the Erring Women's Refuge for Reform, which is a Protestant institution, or to any other institution not under and controlled by the state, county, or municipality.[1]

The Board of Inspectors apparently contemplated exercising powers of visitation and inspection over the private institutions designated as houses of shelter, for they stated in their report for 1903, "This action . . . . legalizes commitments, places the institutions under the jurisdiction of this Board of Inspectors and enables transfers for the greater reformation and care of persons committed";[2] and in 1906 they reported: "We have visited the Houses of Shelter connected with the institution, and they have received our attention, numerous recommendations that we made having been complied with for the betterment of its inmates."[3] As in the case of the industrial and training schools, these institutions are subject to the inspection and supervision only of the State Department of Public Welfare, and the local authorities have no power to demand information or regular reports. To be sure, the court can refuse to commit but, lacking other places for the treatment of delinquent girls, it does not have much choice in the matter.

The extent to which the Cook County Juvenile Court has made use of the House of the Good Shepherd and the Chicago Home for Girls is indicated in the following tables. The number of delinquent girls committed to these institutions in the ten-year period 1917–26 is presented in Table XXIX, which also gives, for comparison, the number committed to the State Training School for Girls at Geneva during the same period.

The importance of the private institution in the care of delinquent

[1] *Report of the Board of Public Charities, 1886*, p. 81.

[2] *Thirty-second Annual Report, Board of Inspectors, House of Correction, Chicago*, (1903), p. 8.

[3] *Thirty-fifth Annual Report of the House of Correction, City of Chicago* (1906), p. 11.

girls becomes at once evident from an examination of Table XXIX. One institution, the House of the Good Shepherd, received half of the total number committed to institutions, and the other, the Chicago Home for Girls, received only 9 per cent less than the public institution, the State Training School.

Although these figures are for Cook County, the majority of the girls sent to the private institutions are from Chicago. For example,

TABLE XXIX

COOK COUNTY JUVENILE COURT COMMITMENTS TO THE HOUSE OF THE GOOD SHEPHERD, THE CHICAGO HOME FOR GIRLS, AND THE STATE TRAINING SCHOOL, 1917–26

INSTITUTION	COMMITMENTS, TEN-YEAR PERIOD, 1917–26	
	Number	Per Cent
Total	2,205	100.0
House of the Good Shepherd	1,110	50.3
Chicago Home for Girls	456	20.7
State Training School	639	29.0

in 1926, of the 131 girls who passed through the Chicago Home for Girls, 53 per cent had been born in Chicago.[1]

Since 1903, when the city designated the two institutions as "houses of shelter," it has paid a per diem rate for minor delinquent girls committed by the Juvenile and morals courts. The amount paid was at first 25 cents and later 40 cents a day. The average expenditure by the city for five-year periods from 1903 to 1928 is shown in Table XXX.

During the past twenty-five years, according to Table XXX, the city has spent from twenty to thirty thousand dollars a year for the care of delinquent girls in private institutions. From one-half to three-fourths of this amount has been received by the House of the Good Shepherd. It seems probable that here, as in the case of dependent children, the institutional care offered by Catholics for their adherents, is on a larger scale than that supplied by Protestant or non-sectarian groups.[2] A brief description of each of the houses of

[1] *Annual Report, Chicago Home for Girls, 1926*, p. 18.

[2] See above, p. 150, n. 1.

shelter may serve to indicate the type of care in which the city invests.[1] The Chicago Home for Girls is for Protestant girls, although occasionally a pregnant Catholic girl and a few Jewish girls are received. The House of the Good Shepherd is primarily for Catholic girls.

The House of the Good Shepherd is one of many such houses throughout Europe and America, maintained and administered by the Order of Our Lady of Charity of the Good Shepherd. The mother-house which stands at the head of the order is in Angers, France. The Chicago house was established in 1867 upon the re-

TABLE XXX

THE CITY'S AVERAGE EXPENDITURE BY FIVE-YEAR PERIODS (1903–28) FOR GIRLS IN HOUSES OF SHELTER

FIVE-YEAR PERIOD	AVERAGE EXPENDITURES FOR HOUSES OF SHELTER		
	Total	Chicago Home for Girls	House of the Good Shepherd
1904–8.....	$27,582.66	$11,849.94	$15,732.72
1909–13*.....	27,577.10	11,181.90	16,395.20
1914–18†.....	22,506.62	7,603.70	14,902.92
1919–23.....	33,479.76	7,750.04	25,729.72
1924–28.....	28,884.75	10,023.60	18,861.15

* No item in *Comptroller's Report, 1912.*
† *Ibid., 1916.*

quest of the bishop of the diocese of Chicago. It is not, however, entirely under the direction of the diocese, since the order is an independent one, the mother-house being directly under the Holy See.

The aim of the order is "to provide a shelter for girls and women of dissolute habits, who wish to do penance for their iniquities and to lead a truly Christian life, and so secure children from danger before they have fallen or have been stained by serious crime." The sisters of the order take four vows—poverty, obedience, chastity, and "to work for the conversion and instruction of penitents." There are, however, a certain number of sisters who do not take the fourth vow and are not cloistered and who answer the door and attend to duties outside the cloister.

[1] The information in the following, unless otherwise stated, is taken from the Illinois Association for Criminal Justice: *The Illinois Crime Survey* (1929), chap. xiv, "The Juvenile Delinquent," pp. 698–702.

The staff of the House of the Good Shepherd consists of forty-five nuns who have spent a novitiate of two and one-half years in the provincial house at St. Louis. Training during the novitiate is made up of one and one-half years of "intensive spiritual training" and the remaining year in work with girls under the supervision of older nuns. The Illinois Crime Survey states in regard to the care of delinquent girls here:

> The efficiency of the training might be questioned, just as might the whole theory upon which the institution is founded, namely, that character can be transformed through a course of spiritual training whose efficiency depends upon specific religious beliefs. Certainly the theory upon which the program at the House of the Good Shepherd is organized is not the modern one of skillful individual diagnosis and treatment. Certainly, too, the cloistered nun cannot but be out of touch, and, to a degree out of sympathy, with much that enters into the lives of the girls for whom she cares.

There are facilities at the House of the Good Shepherd for 500 girls. "Wayward" girls and young women over eight years of age who are not pregnant, epileptic, or feeble-minded are accepted. The entire population is divided into two divisions, junior and senior. The latter includes girls who have had sex experience, and the junior division is made up of those who have not. In November, 1927, there were 180 girls in the senior division and 165 in the junior division. The younger girls, who are for the most part in the junior division, have more school work, more recreation, and less work than the older girls.

The program of education and training is made up of little school work, much industrial work on a commercial basis, and little recreation. In the junior division the girls are in school three hours a day and in the sewing-room three hours. Those over twelve years spend an additional forty-five minutes in the sewing-room, and make embroidered table-runners, luncheon sets, handkerchiefs, artificial flowers, yarn ornaments for women's coats, etc. Sometimes they do such work as tying strings to small tags. Outside firms furnish the materials, paying for the labor; hand work is also sold to help maintain the institution.

The girls in the senior division attend school for two hours a day if under sixteen; or if they improve their time while in school, they may continue after sixteen. The rest of the time is spent in the laun-

dry or in making silk lampshades. The laundry is a large commercial enterprise where work is done for a fashionable, residential hotel and for private families. About ninety girls are employed all of the time in the laundry. Some fifty do the house-cleaning and work in the kitchen and dining-room. The girls not in school spend seven and one-half hours a day in regular employment.

The last report of the visitor of the State Department of Public Welfare describes vividly the so-called "industrial work" which the girls do.[1] Incidentally, the quality of the supervision exercised by the state at that time is indicated. After describing the laundry as "a great commercial enterprise," owning and operating two large auto trucks for the collection and distribution of laundry and netting an income in 1918 of $24,000, the visitor adds, "It cannot be said, as is sometimes charged of institutions, that the work has first place and that school and education are secondary." The school activities are not enumerated, but the report continues with a description of the other important industries, one of which was gold bullion and fine needle work on the "finest and most costly materials." "A number of the girls have gone from the institutions, some of whom are now earning good wages on bullion contract work in their homes," sometimes receiving as high as $3 a day for their work.

The report states:

> Torchon lace is a newly added industry. Anyone who has attempted to make the lace or who may have watched others while employed in its manufacture will realize the intricate problem they have in setting the pins in their exact position and in weaving just so many strands from the little wooden bobbins. *Some very small girls* have become quite proficient in this work and for exactness and precision surpass many of their elders, their small fingers moving so rapidly one can scarcely separate the fingers from the bobbins and yet with such precision that not one stitch in a yard of lace can be found out of place.

The junior classes were working on a stocking supporter contract for a corset company at the time of this inspection, and the older girls were working under a contract for the manufacture of "high grade" hats.

Archbishop Mundelein had introduced a "Wage Fund" system under which girls were paid for their work "on the basis of work ac-

[1] Report of visit to the House of the Good Shepherd, Chicago, June 24, 1919, in files of State Department of Public Welfare, Springfield.

complished, and on general conduct and attainment of ideals." Two hundred and fifty had received credit for their work by bank deposits in 1918. The report concludes, "The self-sacrifice of the Sisters demonstrated by their untiring service and kindly spirit, cannot do other than prove a blessing to the girls who come under their supervision."

If the foregoing evidence can be accepted it appears that child labor begins in the House of the Good Shepherd at the age of twelve. The state law forbids the employment of children under the age of fourteen. It would seem time to question the wisdom of investing over $20,000 a year from public funds for the purpose of reconstructing the behavior habits of delinquent girls when the method is one long regarded as detrimental to child welfare and is in violation of a state law.

In 1918 the income of the House of the Good Shepherd was $97,420.74 and the expenditures were $95,094.37 leaving an excess of income over expenditures of $2,326.37. The proceeds from all of the small industries was stated to amount to about $700 a month, all of which was from work done under contract. But the bulk of the income was from the laundry work and some private donations which averaged more than $2,000 a month. The income from payments by the city was about $1,000 a month. No figures are available for the total income in recent years, but in 1927 the institution received $19,202 from the city of Chicago and $18,500 from the Catholic Charities of the Archdiocese of Chicago.[1]

The Chicago Home for Girls was organized by a group of Protestant women in 1865 as the "Erring Women's Refuge for Reform." Its purpose, as stated in the charter, is "the relief and protection, care and reformation of such erring females as either voluntarily place themselves under the care of the refuge or are so placed by their parents or guardian, or by a municipal corporation, or otherwise according to law." A board of trustees of eight members manage the property and all financial affairs; and a board of managers of thirty-four women, organized into twenty committees, take an active part in the policies and management of the institution. A Receiving Committee, for example, meets weekly to interview every

[1] *Annual Report of the Catholic Charities, Archdiocese of Chicago, 1927*, p. 4.

girl admitted.[1] The board of managers also employs the superintendent.

The staff of the Home consists of a superintendent who is responsible for the immediate program and policies, an assistant superintendent, a probation officer assigned by the Juvenile Court, a nurse, a playground supervisor, a kitchen supervisor, a laundry supervisor, a night supervisor, three matrons; and a part-time staff of physician, dentist, pediatrician, and eye, ear, nose, and throat specialists. Except for the superintendent, who had considerable experience in work with girls in institutions before her appointment at the Chicago Home for Girls in 1922, the staff within the home have not had special training. They are reported, however, to be "quite sympathetic."

The capacity of the Home is seventy-six, and it is usually filled. The present quarters have been occupied since 1892 and are located in a busy commercial district that is now largely populated by Negroes. Removal of the institution to the country has been discussed for many years;[2] and now the old building "is constantly in need of repairs throughout,"[3] so that only by means of much scrubbing, paint, and varnish is it kept fresh and clean.

The program of the Home is less arduous than that of the House of the Good Shepherd. The time of rising is one hour later, and work ceases an hour and a half earlier in the evening. The girls are divided into three groups or "families," two of them according to age and experience and the other on the basis of pregnancy. A house-mother presides over each family and is responsible for the girls under her care. A system of self-government for purposes of management and discipline is organized within each family group.

> When a girl is entered in one of these families she is considered an unnaturalized citizen until she establishes her citizenship. This is determined by her conduct and her attitude toward school, work and play. She can accomplish this in six weeks. . . . . We require each girl to have from ten to twelve months of good citizenship in the Home.[4]

The superintendent is the only person to whom the girls may talk about their past experiences. Matrons are not permitted to read

[1] *Annual Report, Chicago Home for Girls, 1926*, p. 11.
[2] *Ibid., 1898*, p. 10; *1913*, p. 9.
[3] *Ibid., 1924*, p. 10.
[4] *Ibid., 1926*, p. 18.

the girls' Juvenile Court records nor are they told anything of the specific behavior difficulties of their charges. To bring about character changes, much reliance is placed on daily and special religious services and upon "patriotic education" under the auspices of an Americanization Committee.[1]

The education program is carried on by teachers supplied by the Board of Education, and the school is a branch of the Lucy Flower School. Elementary, commercial, and high school branches are offered. The girls spend one-half of the day in school and the other half in industrial work (cooking, sewing, and laundry work) with a period for recreation in the afternoon. No work is done on a commercial basis as in the House of the Good Shepherd.

An indication of the attitude and methods employed in dealing with the girls is found in an excerpt from an original investigation quoted in the Illinois Crime Survey:

> The meals of the staff differ from those of the girls in quality as well as variety. . . . . The superintendent thinks it very important for the girls to realize that their age and experience do not qualify them for the same quality of meal as that served to the staff members. . . . . When girls occasionally complain of receiving inferior food she points out to them that as a child she did not share meals prepared for her father, and that as they grow older and more experienced, their time will come also.

There is no provision for the after-care of released girls. A standing committee of the board of managers does sporadic visiting, but their work is by no means adequate. In some cases the probation officers of the Juvenile Court assume supervision.

The Chicago Home for Girls reports its per capita cost as about $1.00 a day,[2] or 60 cents more per girl than it receives from the city. About 20 per cent of the income is received from the city, 64 per cent from real estate and capital investments, and the balance from contributions or payments of parents. An annual report has been published regularly since 1866.

Appropriations to Hospitals and Homes for Children

The city of Chicago has made lump-sum appropriations for many years to three children's institutions described as "hospitals" in the

[1] *Ibid.*, pp. 13, 15. [2] *Ibid., 1922.*

comptroller's reports. This action has been taken apparently under the law authorizing a city or county to contribute to hospitals,[1] and probably accounts for including St. Vincent's Infant Asylum as a hospital. This institution has received $12,000 annually since 1898. The Home for Destitute Crippled Children has been given $3,000 annually since 1907, and three years later the Children's Memorial Hospital was allowed $3,000, which was continued for two years and has been $5,000 for the past fifteen years.

The annual appropriation of $12,000 to St. Vincent's Infant Asylum is made under authority of an ordinance passed without a dissenting vote on July 12, 1897,[2] in which the institution is nowhere mentioned by name. The ordinance "to establish and maintain a hospital for infant children who may be found destitute of care and protection" describes the institution in section 1:

> That the building standing at the southeast corner of La Salle avenue and Superior Street, being No. 191 La Salle avenue, in the City of Chicago, be and the same hereby is constituted and established a hospital of the City of Chicago to be known as the Infants' Hospital, for the reception and nurture of infant children found abandoned in any of the streets or public places of the city, or otherwise destitute of proper care and protection.

In the comptroller's reports the appropriation appears in the name of the "Chicago City Infant Hospital."[3]

The length of time which the city is to continue the arrangement is defined in the ordinance as "so long as the owners . . . . [of the building] shall permit, and this Council shall see fit to continue such use." The amount to be paid is limited to $12,000 in any one year, but it has never been less except in 1897, when $3,558.07 was allowed.

Certain nominal obligations are laid upon the institution by the ordinance. The superintendent is to be designated by the mayor of Chicago, and "the services of the Superintendent and assistants shall be that of volunteers, and . . . . no salary shall be charged by any of them on account of services." The superintendent, furthermore, is to give bond "for the faithful discharge of the duties of the

[1] *Illinois Revised Statutes*, 1929, chap. 23, sec. 164.

[2] *Proceedings, City Council of Chicago, 1897–1898*, p. 618.

[3] *Annual Report, City Comptroller, Chicago, 1927*, p. 84.

office" with the amount of the bond determined by the mayor. Itemized statements of expenses are to be submitted quarterly by the institution before payment is made by the comptroller. Actually, the superintendent sends a statement certifying that the cost of caring for children has exceeded the city allowance, and upon this evidence the comptroller issues a check quarterly.

St. Vincent's Infant Asylum and Maternity Hospital is under the auspices of the Daughters of Charity of St. Vincent de Paul, one of the many communities of the order founded in 1633 by St. Vincent de Paul. In 1809, Mother Elizabeth Ann Seton founded the first community of the order in the United States, at Emmitsburg, Maryland. The original purpose of the Daughters of Charity was nursing in the homes of the sick poor, and to this has been added the conduct of hospitals, homes for the aged, care of the insane, and foundlings' homes. St. Vincent's Infant Asylum of Chicago was established in 1882.

The staff of the institution is made up of Polish Catholic sisters who have spent three months on probation and six months in training in the "seminary." After a trial of five years, a sister is permitted to take the vows of poverty, chastity, obedience, and service of the poor. The government of the order has remained unchanged since the days of St. Vincent de Paul. "To his successor, as Superior General of the Congregation of the Mission and the Daughters of Charity, the sisters vow obedience."[1] The Superior General directs the interior administration, while the bishop has jurisdiction of the exterior works. The sister superior and a board of directors "manage and direct" the work of the institution.[2]

The capacity of St. Vincent's Infant Asylum and Maternity Hospital is 200 children and 20 maternity cases. Foundlings and destitute children under four years of age are received, by private or court arrangement. The Associated Catholic Charities of Chicago in 1928 contributed $3,961.79 toward its support.[3]

The Home for Destitute Crippled Children was organized in 1892 primarily for the crippled children of Chicago. It provides a home

[1] *Catholic Encyclopedia*, p. 607.

[2] *Report, Board of Administration, Illinois, 1916*, I, 286.

[3] *Annual Report, Catholic Charities of the Archdiocese of Chicago, 1928*, p. 2.

and an education for about 110 children, at the same time furnishing medical and surgical treatment. Children are taken between the ages of two and one-half and twelve years; for those coming from outside Chicago a charge of five dollars a week is made.[1]

The Children's Memorial Hospital, established in 1882, is for the medical care of children under twelve years of age not suffering from contagious or incurable disease. It has facilities for the care of 200 children, and conducts, in addition to the hospital, a school for nurses, a social service department, and a dispensary. The support is from fees and contributions.[2]

In conclusion, it may be repeated that public relief and corrections are county functions in Illinois, so that Chicago has never appropriated large sums to private charitable organizations. It has for many years, however, spent about $50,000 a year for the care of sick and dependent children under twelve years of age in three private institutions and for delinquent girls in two others.

The appropriations to institutions for sick and dependent children have been given regularly and in unvarying amounts. The largest of these, $12,000 a year, is to St. Vincent's Infant Asylum, a home for foundlings and abandoned children under four years of age, and has continued since 1897.

The city also pays 40 cents a day for delinquent girls committed to a Catholic and a Protestant institution by the Juvenile Court or Morals Court. The annual expenditure is about $30,000, of which two-thirds goes to the Catholic institution, probably because the latter has a capacity for more than six times as many girls as does the one Protestant institution.

Supervision of the institutions aided by the city is left to the State Department of Public Welfare, as is the case with the institutions paid by the county. The question might be raised as to the adequacy and quality of the care for which the city pays, but at present no one seems to feel the need of interrupting an arrangement that has continued for more than a quarter of a century.

[1] *Social Service Directory* (Chicago: published by the Chicago Council of Social Agencies, 1926), p. 105.

[2] *Ibid.*, p. 54.

CHAPTER IX

CONCLUSIONS CONCERNING THE SUBSIDY SYSTEM

A study of the relationship between the public authority and private charities, as revealed by the legal enactments of the forty-eight states and by the administration of laws in Illinois, indicates progress in the organization and functioning of the state agency and in the extension of public supervision over all private charitable organizations. Appropriations from public funds paid to privately managed charities, either in lump sum or in per capita subsidies, appear to be a part of the evolution toward comprehensive and universal welfare services to be supplied by the state and local governments.[1] The private institution will doubtless continue to be an essential adjunct to public services, but payment to it can be expected to fall under the discretion of the central authority rather than under direct legislative mandate.

A comparison with present-day developments of the arguments for subsidies presented by Professor Warner[2] in 1894, as representative of the thinking on the subject, discloses important differences in opinion and fact. The arguments advanced were that (1) the stigma of pauperism was less in a private institution than in a public, (2) the moral influence was more wholesome, especially when dogmatic religious instruction could be given, (3) private institutions were free from the blight of partisan politics and the spoils system, and (4) subsidizing a private institution was more economical than maintaining a public one.

[1] The question of federal responsibility in the United States was an issue in 1848–53, when Dorothea Dix attempted to secure federal grants to the states for provision for care of the insane but President Pierce's veto of the bill on the ground of lack of constitutional power established the view that services known as charities, or more recently as "social welfare," are a state function. This means necessarily that there are forty-eight varieties of development. Breckinridge, *Social Service Review*, September, 1930, pp. 376–422.

[2] Warner, *American Charities*, pp. 342–44.

These statements were evaluated in 1911 in a paper read before the National Conference of Charities and Corrections by the secretary of the Public Charities Association of Pennsylvania,[1] who advanced the opinion that the argument concerning the stigma of pauperism was "receiving less and less respect" due to the fact that many public institutions had splendid facilities and were well conducted; that religious ministrations by persons selected by the local representatives of the various faiths were now freely permitted in state institutions; that partisan politics probably interfered as harmfully with subsidized institutions as with those under state control; and that, although an economical plan in some states, in others it proved to be enormously expensive.

Only one of these arguments, that relating to economy, can be said to touch the inherent differences between public and private management today, for there are public institutions which are preferred to the best private institutions in their locality;[2] and although political disturbances in California,[3] Colorado, Ohio, Pennsylvania, and South Carolina can readily be called to mind, where public opinion has been strong, they have only temporarily affected the organization of public welfare services.

Whether the care of the state's dependents can be more economically administered in private institutions paid by the state than in institutions under public management should be considered from several angles. An examination of appropriations to private organizations in 1929 shows that aid is most frequently given for the care of the sick and children, and that aid in smaller amounts has been distributed to agencies caring for those groups now generally recognized as being peculiarly wards of the state, namely, the insane, the feeble-minded, the blind, deaf, epileptics, and delinquents. In addi-

[1] Robert D. Dripps, "The Policy of State Aid to Private Charities," *National Conference of Charities and Corrections, 1911*, pp. 465–66.

[2] For example, the Los Angeles County Farm, statement of Miss Eleanor Kimble, executive secretary, Los Angeles County Welfare Board, California, 1919–20.

[3] In California, for example, Governor Richardson in 1923 reduced the appropriations for public welfare services and institutions. He was defeated for re-election, however; and under his successor, Governor Young, an effective reorganization of four separate boards, departments, and agents has been effected into one major state department, the Department of Social Welfare. *California Statutes*, 1927, chap. 49.

tion to the actual money cost of care, two questions should be raised in any discussion of economy: first, whether the care for which the state pays in either its own or private institutions, meets necessary minimum standards of treatment; and second, whether the state's money is being distributed so as to develop an adequate, comprehensive program not for one group but for all groups for which the state has assumed responsibility.

As to actual money cost of care, there is no doubt that institutions managed by religious orders, and denominations whose workers are paid only nominal salaries, can show a lower per capita cost of maintenance than private or public institutions which must pay fair salaries for trained workers. An example is the monthly per capita cost of about $25 in the Catholic St. Mary's Training School in Cook County compared with the cost of more than $50 a boy in the non-sectarian Glenwood Manual Training School. As Professor Warner put it long ago,

> In almost every branch of philanthropic work Roman Catholic institutions can underbid competitors, so to speak, because of the great organizations of teachers and nurses and administrators whose gratuitous services they can command; and if the State is to sublet its relief on the contract system, it is hard to see why those who can bid low should not get the contracts.[1]

Granting, then, that so-called "sectarian" institutions can offer care at less cost than the state can supply it, and that they can meet and oftentimes surpass the standards of care set by the state, the question remains whether their use interferes with the development of the public program for care of dependents. A study of the situation in Cook County in respect to dependent children revealed that the county is offering subsidized care in six non-sectarian, six Protestant, two Jewish, and nine Catholic institutions, but that almost three-fourths (73.7 per cent) of the children under care are in the Catholic institutions. In other words, the provision for Catholic children is fairly adequate when compared with the number brought before the court, but there is a dearth of resources for the care of other children. More serious even, however, has been the resistance, on the part of all of the subsidized institutions, to any change in policy on the part of the county, and to their insistence that the ad-

[1] Warner, *op. cit.*, p. 342.

ditional resource added in 1923 of a fund for boarding children in family homes be administered through agencies representing the various sectarian groups.

In Pennsylvania, where millions of dollars have been given for more than a century to private hospitals and other organizations, the statement has been made by the director of the Department of Public Welfare:

> The diversion of so large a sum during the past century into private charitable undertakings has resulted in serious handicaps in the State's own activities in the care of the mentally ill, mental defective, the juvenile delinquent and the criminal. A long-neglected building program calls for an expenditure of not less than $50,000,000 in order to enable the State properly to house, classify and treat the types of patients and inmates whom modern science has enabled us to recognize.[1]

It is significant in this connection that the state that probably has the most adequate program of public care in the United States, Massachusetts, has never favored subsidies and has finally abolished them altogether.

As a substitute for subsidies to institutions designated in the statute by name or as a class, the practice of leaving payments to private organizations to the discretion of the administrative authority seems to be developing. One of the oldest subsidy states, Maine, which for many years has made appropriations to designated institutions, in 1929[2] made an appropriation of $160,000 for the care of the indigent sick in or by public or private hospitals, at a rate not to exceed $2.50 a day per patient. All of the money is to be expended under the direction of the Department of Public Welfare, which is allowed 3 per cent of the appropriation for administrative purposes and which is empowered to prescribe necessary forms for application, reports, and other proceedings and is required to keep a record of all cases reported to it and the action taken on each. Bills to hospitals are paid when approved by the Department and audited by the state auditor.

There are obvious weaknesses here, such as not placing control of admissions with the Department and not making the provision by

[1] Potter, "Developing Standards of Fiscal Administration of Hospitals in Pennsylvania," *Dept. of Welfare Bulletin No. 25*, p. 27.

[2] *Maine Laws*, 1929, chap. 35, p. 451.

general law but in an appropriation bill; the arrangement, however, is an advance over payments to the designated institutions.

In general, the more recent legislation making provision for special groups, such as crippled children, follows this tendency to place discretion for payments with the central authority. Before the Institution for Deformed and Crippled Children was established in Ohio, the Department of Public Welfare was authorized to receive into its custody crippled children needing medical and surgical treatment and education, when they were committed to the Department by a juvenile court, and to arrange for their care in private hospitals where necessary.[1] Whenever the child had been successfully treated or could not be further benefited, the Department might order his discharge.[2] The statute stipulates that as soon as the state institution should be established, the Department should terminate all contracts for care elsewhere unless it was not able to care for all children eligible for admission.[3]

Similarly in Kentucky,[4] the Crippled Children's Commission may receive children committed by the county court for the purpose of placing them in a hospital or home which the commission "may deem qualified to render the service needed by the child," and may pay for such board, clothing, and treatment.

Dependent children, likewise, under recent legislation in some states, are intrusted to the care of local or state authorities who have power to make whatever arrangements they judge to be suitable. The Kentucky Children's Bureau, established in 1928,[5] is empowered to arrange "for the treatment or care" for any delinquent, neglected, dependent, defective, or physically handicapped child under eighteen years of age who may be committed to it by the county judge, and is authorized to place the child in a hospital or home of its selection on such terms as it may arrange, provided that no similar services are rendered by an existing state agency. The Bureau also is directed to assist counties in organizing county children's bureaus, and is given general supervision and control over the administration of mothers' aid.

[1] *Ohio Code* (Throckmorton), 1929, sec. 1352-8-9.
[2] *Ibid.*, sec. 1352-10.
[3] *Ibid.*, sec. 1352-11.
[4] *Kentucky Statutes* (Carroll), 1930, sec. 331*m*-5.
[5] *Ibid.*, art. xii, secs. 311-1-1 to 331-1-29.

The Massachusetts law that any destitute, abandoned, or neglected child may be committed by a district court to the custody of some suitable person or charitable corporation or to the Department of Public Welfare[1] also authorizes the Department to receive children under twenty-one upon the written application of a parent, guardian, friend, or overseer of the poor in the town in which the child is found, and to provide for his support in a private family or, in case of illness or for temporary care, in a suitable institution.[2]

The Wisconsin children's code adopted in 1929 provides for the organization of county children's boards to assist in the administration of laws relating to mentally defective, dependent, neglected, delinquent, and illegitimate children, which boards have power to expend funds "for the purpose of clothing, payment for medical services, expense of boarding, and other special aid to children within the county."[3] State supervision is assured by a section empowering the Board of Control to assist counties in the organization of county children's boards, and requiring that it prescribe record forms and statistical data which the Board is to compile and publish annually.[4]

These statutes to which reference is made are not offered as exemplary in every respect, but they illustrate noteworthy trends away from the traditional subsidy. Among these may be distinguished:

First, appropriations for certain classes of dependents are intrusted to the central authority with power to arrange for care. In children's work, the program is becoming increasingly comprehensive and includes not only the dependent, neglected, and delinquent as under the juvenile court law but also the mentally defective and physically handicapped child.[5] Wisconsin and Kentucky have thus

[1] *Massachusetts General Laws*, 1921, chap. 119, sec. 42.

[2] *Ibid.*, secs. 38, 39.

[3] *Wisconsin Statutes*, 1929, sec. 48.30.

[4] *Ibid.*, sec. 48.31.

[5] President Hoover's White House Conference on Child Health and Protection, announced in July, 1929, will doubtless increase the impetus toward provision for the best possible development of all children. Committees have prepared reports on objectives in growth and development, prenatal and maternal care, medical care for children, communicable-disease control, milk production and control, education and training, the

recently extended the scope of child welfare work through county boards under state supervision.

Second, the selection of the method or methods by which that care is to be provided is left to administrative discretion. Thus in Massachusetts the child may be supported in a family home or, if necessary, in an institution; but in Illinois prior to 1923, under the industrial and training school acts, the only place in which the county could support a child was in a specified type of institution, and as soon as he or she was committed to it the institution automatically became eligible for the monthly payment unless the standard of care fell too far short of that expected.

Third, increasingly the central authority in respect to the private agency is given power to make rules and regulations, prescribe reports, approve accounts, and have them audited before payment.

Fourth, the local organization for public welfare services is slowly advancing, especially when the central authority is empowered to offer advisory assistance, to prescribe forms and reports, and to give grants in aid on the basis of needs. As the state and local programs become better defined and co-ordinated, it seems likely that reliance on the subsidized private agency will become less and less.

These trends toward making the central and local authorities the state's agents for the distribution of services on a professional and expert basis will be expected eventually to relieve the state of the evils of the subsidy system. Payment by administrative arrangement is replacing the subsidy by statute. This development presupposes, however, that the state will employ an adequate and well-qualified staff of workers, that it will insure tenure and advancement by means of a merit system free from political interference, and that it will not only request but act upon the recommendations of its agents.

It is simpler to avoid the entanglements of subsidies than to become free of them, but in Illinois, where the problem is limited practically to one county, certain recommendations made nearly twenty

family and parent education, the infant and pre-school child, the school child, vocational guidance and child labor, recreation and physical education, special classes, youth outside of home and school, state and local organizations for the handicapped, the physically and mentally handicapped, the socially handicapped—dependency, neglect, delinquency. *White House Conference on Child Health and Protection* (pamphlet).

years ago by the Hotchkiss Committee should be affirmed as having special significance in the present situation. These are:

1. The State Board of Administration (Department of Public Welfare) should be supplied with a sufficient force of qualified visitors so that it can effectively carry out the work assigned to it.[1]
2. However much private agencies for child care may be perfected, and whatever the standards by which they are guided, the best results cannot be attained until public activity is on the same high plane. Those who administer provision affecting children, in public as well as in private station, must be both honest and efficient. This end cannot be permanently insured until civil service laws in City, County and State are honestly and effectively administered. . . . . Until civil service laws under the administration of capable, patriotic citizens can be toned up to an intelligent responsiveness to child problems but little progress in public phases of child work can be expected.[2]
3. The placing of children in family homes should be extended and improved. . . . . In case the needs of the children in the state cannot be adequately met by private agencies, the State itself will have to do the work directly.[3]

Although the Hotchkiss Committee on the whole favored encouragement of private organizations for Illinois in 1911, their reason was partly that the state was already increasing its activities in caring directly for dependent children through the Soldiers' Orphans Home,[4] which was on the way to becoming a state institution for all dependent children. In 1930 the Home is once more restricted to soldiers' orphans, the private institutions are overcrowded, and the Juvenile Court and leaders in child welfare work in Cook County consider that a child-placing agency under county auspices would be a more satisfactory and economical arrangement than the present plan of paying private agencies to do the work. The question at once arises whether this is a proper function of the Court, which is already overburdened, or whether a department could be developed in the county Bureau of Public Welfare, which is emerging from a county agent's office to an agency on a case-working basis. A third alternative would be an independent children's bureau under a county board of public welfare possibly.

The relation of the county to the private institution still presents

[1] *The Juvenile Court of Cook County, op. cit.*, p. 55. [2] *Ibid.*, p. 58.

[3] W. E. Hotchkiss, "Child Welfare: a Problem in State Policy in Illinois," *Institution Quarterly*, June 30, 1913, p. 216.

[4] *The Juvenile Court of Cook County, op. cit.*, p. 54 n.

certain considerations, even though a public child-placing agency were established. Before the most satisfactory provision for all children can be made, the jurisdiction of the Juvenile Court, unhampered by the industrial and training school legislation as to control over children and the conduct of court hearings without a jury trial, should be legally declared. In some quarters there is the opinion that the Juvenile Court is now sufficiently recognized to be an agency for the public welfare, and has by agreement extended its authority over children in institutions to such an extent that the repeal of the earlier legislation can be secured. Whether or not this is accomplished, a revaluation of child care in Cook County on the basis of attention to the individual needs of each child is desirable rather than a classification of court wards on the basis of dependency, religion, and nationality of parents.

The Court, on the other hand, should be relieved of having to recruit resources constantly and, in the case of the Protestant children, of "peddling" them from institution to institution. Its primary task should be to decide among the available resources which is the best type of care for a particular child.

The place of the sectarian organization in a program of child care is one that local public opinion will doubtless determine. The point of view of the organization supported from church contributions, as expressed by one representative, was that, if church and state are to be separate, the principle should work both ways; that is, if the church is not to interfere in governmental affairs, then neither should the government interfere in church affairs supported entirely by church members.[1] As soon as the sectarian institution receives payments from public funds, however, this argument breaks down and public supervision is accepted, though to what extent depends upon the strength of the organization and the sectarian group which it represents. In Cook County, St. Mary's Training School and the Chicago Industrial School for Girls have steadfastly refused[2] to per-

[1] Rev. Richard Biedermann, "Public Supervision of Private Charities," *National Conference of Charities and Corrections, 1911*, pp. 41–43. This point of view may account for laws like those of Iowa, Maine, Michigan, and Vermont, which limit certain kinds of supervision to associations soliciting public funds. See above, pp. 27, 31, 35.

[2] *Report of the Board of Public Charities, 1884*, p. 274; *The Juvenile Court in Cook County, op. cit.*, pp. 135–39; Files, Division of Visitation of Children, Department of Public Welfare, correspondence dated March 29, 1929.

mit their financial or other records to be examined, and have not made financial reports in the form requested by the Department of Public Welfare.

The question of supervision as extended by state or local authorities in a situation like that mentioned is also one needing further study by students of public welfare administration. Where the state organization for supervision is remote and has, on the whole, lower standards of child welfare work than the county has developed, the state cannot be relied upon to assist in holding recalcitrant institutions to certain requirements. If, at the same time, as in Cook County, the authorities are without legal power to enforce regulations, the situation becomes very unsatisfactory, particularly when payments to certain institutions are mandatory upon commitment of children to them.

Another phase of the problem of supervision pertains to the power of either the state or the county to make rules and regulations in order to put into effect the requirements already set up by law. The increasing tendency in this direction has been pointed out, and the need for it is apparent in Illinois, where most of the institutions that have incorporated under the industrial and training school acts have retained a third charter under which property is held. The annual reports from these institutions concerning their receipts and disbursements are virtually worthless so far as giving facts about cost or any data for comparative purposes. If a uniform accounting system could be required from those institutions receiving public payments for public wards—as has been required from hospitals in Connecticut and Pennsylvania, for example—very different facts would be revealed from those at present offered.

A thorough taking of stock in order to ascertain the real object of child care and the standard of accomplishment to be set, which was the first step advised by the Hotchkiss Committee, is now in progress under the direction of the Governor's Child Welfare Commission, previously described; and their study may be expected to clarify certain problems. A promising activity in connection with a subcommittee of the Commission is the development of a plan for the administration of state aid to counties for mothers' pensions, and from this may grow county programs of public welfare services.

The field of the relationship between the public authority and the private agency presents many problems that will depend for solution upon the further development of a science of public welfare administration. In those states like California, New York, and Pennsylvania, where power to make rules and regulations is given to the administrative authority, a body of practice is accumulating that will eventually lend itself to analysis for the determination of principles of administration. Although every state should be studied for its individual legislative needs, the distinct trend that appears in a canvass of existing legislation leads one to hope that further research will discover principles of supervision and administration from which the essentials of uniformity for comprehensive treatment of dependent groups may be determined.

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